



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, January 10, 2023

7:00 PM

1611 Pfennig Lane

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#### Regular Meeting

#### 1. Call to Order

Mayor Victor Gonzales called the meeting to order at 7:00pm. Mayor Pro Tem Doug Weiss and Councilmembers Ceasar Ruiz, Kimberly Holiday, Rudy Metayer, Jim McDonald, and David Rogers were in attendance.

City staff in attendance: Sereniah Breland, City Manager; James Hartshorn, Deputy City Manager; Emily Barron, Assistant City Manager; Thomas Hunter, Assistant City Manager; Charles Zech, City Attorney; Trista Evans, City Secretary; Breanna Higgins, Assistant to the City Manager; Terri Toledo, Director of Management Services; Evan Groeschel, Operations Director; Carlo Franco, Special Projects Manager; Brandon Pritchett, Public Utility Director; Erin Sellers, Innovation Strategist; Sara King, Assistant Finance Director; Jason O'Malley, Police Chief; Makeba Lewis, Commander; Roger Heaney, Assistant Communications Director; Melissa Moore, Finance Director; Carlo Franco, Special Projects Manager; Jeff Dunsworth, Assistant City Engineer.

#### 2. Opening

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

Mayor Gonzales led those in attendance in 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 the Pledge of Allegiance to the Texas State Flag.

##### C. Moment of Silence

Mayor Gonzales led those in attendance in a moment of silence.

#### 4. Public Comment

Peggy Hamzy stated she has lived in Pflugerville since 1983 and stated watching rates go through the roof. Ms. Hamzy stated if there is no fire department taxes will go up and there is a domino effect. Ms. Hamzy stated people are comfortable with what is happening in the city because they have money and people in the city need to speak up.

7F. [2023-0061](#)

Discussion regarding provisioning, providing, and funding first response services.

Mayor Gonzales opened the item for discussion. Travis County ESD2 Fire Chief Nick Perkins gave a presentation about the scope of service and stated they want to continue serving the community. Chief Perkins spoke about a petition by a special interest group and discussed what would happen if the revenue is lost by losing the sales tax as the petition states. Chief Perkins shared maps of voter approved half cent sales tax from 2000 and 2014 and discussed tax rate. Chief Perkins discussed costs of service and standing up a fire department and stated he would like to know what the stopgap plan is.

Mayor Pro Tem Weiss asked if there would be an advantage to being a municipal department when it comes to funding. Chief Perkins stated there would be some advantages. Mayor Pro Tem Weiss stated he would like the opportunity to find ways to transition over the next five to twenty years. Chief Perkins stated he would be part of those conversations and wanted to discuss providing those services today. Mr. Metayer stated it is not a council ballot initiative and asked Chief Perkins about what services would not be provided if the measure passes. Chief Perkins stated legal is reviewing the petition. Mayor Pro Tem Weiss asked what the timeline looks like in case City Council needs to provide any service. Chief Perkins stated he is waiting on a timeline and working on what that looks like. Mr. Rogers discussed Travis County ESD2 budget and surplus. Discussion followed regarding sales tax projections and budget.

Mayor Gonzales stated the city is trying to get some idea of what the city may be facing in terms of public safety for the citizens and would like to know what the city has to do to support the community. Mr. Ruiz discussed specific situations and asked what the city would have to start covering. Mr. Perkins stated they are fair questions and discussed finding a way to provide the services currently. Discussion followed about how much time the city would have to step in.

Mack Harrison thanked council for taking time to listen and stated if city council wants to discuss budget to talk to the board members. Mr. Harrison stated there is a lot of experience and institutional knowledge in Travis County ESD2 and asked city council to educate the constituents.

Teri Lucas stated the actions by the group that is proposing to take funds away from ESD2 would result in longer response times and loss of life. Ms. Lucas asked who is profiting from this and stated there is nothing wrong with the Pflugerville Fire Department and the emergency services provided by them.

Melody Ryan stated she is here to request that City Council add a ballot proposition to capture sales tax and discussed the petition. Ms. Ryan stated it is not about defunding the fire department but asking for a right to vote on leaders who make decisions on taxes and services. Ms. Ryan spoke about previous meetings and the ESD budget.

Grace Nicholas stated she is a new climbing business owner in Pflugerville and has had a lot of great experiences with the fire department. Ms. Nicholas stated she worries about risk if they are defunded and stated it is fair to the citizens of Pflugerville to know where the money would go.

Mayor Gonzales provided comment about the election process stating it is up to the voters if a ballot initiative passes to reduce ESD2 sales tax.

Brenda Hernandez stated she has received ambulance services from the fire department and spoke about the service provided. Ms. Hernandez spoke about the efforts needed and stated the fire department should be added to not taking away from it. Ms. Hernandez stated the City is growing.

Mayor Gonzales provided comment about the process and thanked Chief Perkins for the presentation.

**7D.** [2023-0055](#)

Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding wastewater rates for various special districts.

Mayor Gonzales announced that council is retiring to executive session for items 7D. and 7E. and read the items. City Council retired to executive session at 8:09pm.

Discussion on the item occurred in executive session.

**7E.** [2023-0031](#)

1.) Executive Session Item: Consultation with legal counsel regarding potential additional sales tax revenue pursuant to Section 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding potential additional sales tax revenue.

Mayor Gonzales reconvened the meeting in open session at 8:52pm and stated no action was taken.

Josh Stubblefield stated firefighters are fighting for the safety of citizens and their jobs. Mr. Stubblefield stated he is trying to understand why the petition started, and stated maybe it is about control and stated City Council has an opportunity to start working in a positive direction and denounce the petition. Mr. Stubblefield stated council should start by ensuring the sales tax stays with the ESD.

Trevor Stokes provided information about the history of Travis County ESD2 and the history of funding for first response services. Mr. Stokes stated in 2017 they started providing ALS through an agreement with other agencies and the other agencies were pulled. Mr. Stokes discussed during the 2021 winter storm the fire department helped the community and supported the city.

Kevin Pakenham stated the goal is not to defund anyone but to allow the council to hold the board members of ESD2 accountable. Mr. Pakenham stated elected officials should be the ones handling tax money. Mr. Pakenham stated the petition is from a group of citizens whose goal is to give the elected body the tools to use tax payer money.

Mayor Gonzales provided information about the process that the city has to go through because of other entities in the area. Discussion followed regarding the petition process. Mr. McDonald discussed timing of the ballot if other entities can capture sales tax. Mr. Rogers moved to revoke attorney client privilege. Mayor Gonzales seconded the motion. Mayor Pro Tem Weiss voted no. All others voted in favor. The motion carried. Mr. McDonald asked if the

City places a ballot item on the May election if that precludes other entities from doing the same. Mr. Zech stated it does not and if the item for both entities passes neither would get the tax. Mayor Gonzales discussed speaking with other entities to see if they are interested in the sales tax. Mr. Metayer asked about marking it for EMS. Mr. Zech stated it cannot be placed on the ballot to be only for EMS. Discussion followed regarding ballot and election scenarios. Mayor Pro Tem Weiss stated he is glad to hear commitment from Chief Perkins about working with the City on a transition. Mr. Ruiz stated they want the best solution for citizens and if needed to recapture the money to ensure citizens do not go without services. Mr. Rogers moved to instruct staff to communicate with other agencies that the City prefers they do not attempt to capture sales tax. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

### 3. Items of Community Interest

Mr. McDonald stated he has received 107 notifications for substitute teaching and encouraged everyone to sign up if they are able.

Mr. Metayer discussed the school district stating that it is a different entity from city council and discussed what is happening at the capital impacts public school districts. Mr. Metayer stated the legislative session has started and encouraged people to show up at the capital to express their concerns.

Mayor Gonzales stated Coffee with a Cop is back January 28 at Tru by Hilton at 9am.

### Reading of the Consent Agenda

Ms. Evans read the captions of the ordinances and stated that all items on the consent agenda can be acted upon in a single motion.

### 5. Other Actions

- 5A. [ORD-0692](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, a tract of land totaling approximately .735 acres of land situated in the P. Conrad Survey, Abstract No. 107, in Travis County, Texas, being a portion of Meister Lane, a variable right-of-way width, of the real property records of Travis County, generally south of State Highway 45, North of New Meister Lane, and East of Schultz Lane; extending the boundaries of the city to include the land; and to be zoned Agriculture/Development Reserve (A); To be known as the Meister Lane Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the city; providing for severability; and providing an effective date.

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

- 5B. [ORD-0693](#) Approving an ordinance on first and final reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the first amendment to the FY23 Budget for the City of Pflugerville; and providing

an effective date.

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

**5C.** [ORD-0682](#)

Approving an ordinance on first and final reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the fourth amendment to the FY22 Budget for the City of Pflugerville; and providing an effective date.

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

**5D.** [ORD-0684](#)

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City of Pflugerville Code of Ordinances Title III Administration, Chapter 31 Departments, Boards, and Commissions, Section 31.60 Equity Commission, to amend Section 31.64 to amend officers and Section 31.67 to amend date of annual report; providing that this ordinance shall be cumulative and repealing all ordinances in conflict; providing for severability; and declaring an effective date.

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

**5E.** [ORD-0685](#)

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas amending the City of Pflugerville Code of Ordinances Title III Administration, Chapter 31 Departments, Boards and Commissions, Sections 31.03 through 31.07 making amendments to the Library Board; providing that this ordinance shall be cumulative and repealing all ordinances in conflict; providing for severability; and declaring an effective date.

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

**5F.** [ORD-0686](#)

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas amending the City of Pflugerville Code of Ordinances Title IX General Regulations, Chapter 95 Parks and Recreation, Sections 95.23 through 95.27 making amendments to the Parks and Recreation Commission; providing that this ordinance shall be cumulative and repealing all ordinances in conflict; providing for severability; and declaring an effective date.

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

**5G.** [ORD-0689](#)

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, Approving Amended Impact Fees and amending chapter 152, implementation of impact fee, of the code of ordinances for the City of Pflugerville, Texas to update the impact fees pursuant to Texas Local Government Code Chapter 395, Subchapter C; and providing an effective date.

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

- 5H. [2023-0001](#) Approving the minutes of the December 13, 2022 Worksession, December 13, 2022 Regular Meeting, December 15, 2022 Notice of Quorum, and December 19, 2022 Worksession.  
**The minutes were approved on the consent agenda.**
- 5I. [2022-1195](#) Approving a Professional Services Agreement with H2O Partners, Inc. in the amount of \$98,240 for roadway condition analysis, and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5J. [2023-0003](#) Approving a contract with Patin Construction, LLC. in the amount of \$312,733 for construction associated with the Heatherwilde/Cheyenne Drainage improvements project, and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5K. [2023-0009](#) Approving a Work Authorization with CBRE, Inc. in the amount of \$126,500 for appraisal services associated with the Kelly Lane Phase 3 Roadway Improvements Project, and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5L. [2023-0010](#) Approving a Professional Services Agreement with Freese and Nichols, Inc. in the amount of \$69,105 for the preparation of the Water and Wastewater Master Plan Update, and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5M. [2023-0012](#) Approving a contract with T. Morales Company Electric & Controls Ltd. in the amount of \$7,106,645 for the pre-purchase of electrical equipment for the Wilbarger Creek Regional Wastewater Treatment Facility (WCRWWTF) Project, and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5N. [2023-0014](#) Approving the procurement of an air compressor system in the amount of \$72,712 and authorizing the City Manager to execute the same.  
**The item was approved on the consent agenda.**
- 5O. [2023-0024](#) Approving a Professional Services Agreement with Hayat Brown in the amount of \$297,782 for Financial and Transactional Advisor Services associated with the Downtown East Project, and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 5P. [2023-0037](#) Approving a Professional Services Agreement with CP&Y, Inc. in the amount of \$123,555 for Funding Support Services, and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 5Q. [2023-0043](#) Approving a Professional Services Agreement with Lakeside MUD # 5 for professional operations and maintenance services associated with the water and wastewater operations for the district, and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 5R. [RES-1067](#) Approving a Resolution with a caption reading: A Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment and release of two existing public wastewater pipeline easements located generally north of Pecan and east of Weiss Ln, originally granted to the City by easements recorded in Travis County Real Property Records Document Nos. 2020101338 and 2020101339 and associated with the Lakeside Meadows development.

The resolution was approved on the consent agenda.

- 5S. [RES-1068](#) Approving a resolution on declaration of official intent to reimburse for financed equipment.

The resolution was approved on the consent agenda.

- 5T. [RES-1069](#) Approving a resolution authorizing the City Manager to file a water rights application with the Texas Commission on Environmental Quality and authorizing the City Manager to act on behalf of the City of Pflugerville in all matters related to the application.

The resolution was approved on the consent agenda.

### Action on the Consent Agenda

Mayor Pro Tem Weiss moved to approve the consent agenda. Mr. Metayer seconded the motion. Mr. Rogers was not in attendance for the vote. All others voted in favor. The motion carried.

Items pulled from the consent agenda will be addressed under Item 8.

- 7A. [2023-0013](#) Conduct introductions and take action to make an appointment to the Pflugerville Community Development Corporation (PCDC) Board of Directors for one unexpired term ending December 31, 2023.

Mayor Gonzales opened the item stating applications have been received for

one vacancy from Karen Milley, Devin Donovan, and Samantha Pisik. Karen Milley introduced herself and discussed her background. Ms. Milley discussed growth in Pflugerville and answered questions from council. Devin Donovan introduced himself and discussed Pflugerville growth and building a community. Mr. Donovan answered questions from council about his interest in the PCDC Board. Mr. McDonald stated Samantha Pisik was not able to stay and provided comment about her background. Mr. Rogers moved to appoint Karen Milley to the PCDC Board. The motion failed for lack of second.

Mr. McDonald moved to appoint Samantha Pisik to the PCDC Board. Mr. Ruiz seconded the motion. All voted in favor. The motion carried.

**7B.** [2023-0004](#)

Conduct introductions and take action to make appointments to the Equity Commission for up to three regular members for two year terms and one alternate members for a one year term beginning January 1, 2023.

Mayor Gonzales opened the item and stated that applications have been received for three open positions from David Hill, Catrina Whitman, and Cynthia Williams. David Hill introduced himself and discussed his history with Pflugerville. Mr. Hill stated he wants to help show more fairness and equity to help everyone and answered questions from council. Catrina Whitman introduced herself and discussed special education needs and resources. Ms. Whitman answered questions from council about bringing resources to Pflugerville.

Mr. McDonald moved to appoint David Hill, Catrina Whitman, and Cynthia Williams to the Equity Commission. Mr. Metayer seconded the motion. The vote was as follows: Mr. Metayer - yes, Mayor Pro Tem Weiss - yes, Mr. Ruiz - yes, Mr. McDonald - yes, Mr. Rogers - yes, Ms. Holiday - no, Mayor Gonzales - yes. The motion carried.

**6. Public Hearings and Ordinances**

**6A.** [ORD-0688](#)

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 and updating Chapter 53, Water and Sewers, Drought Contingency Plan and providing that violations of this ordinance are class C misdemeanors subject to fines not to exceed \$2,000.00; providing cumulative, repealer and severability clauses; providing for open meeting and establishing an effective date.

Mayor Gonzales read the item and opened the public hearing. Mr. Pritchett provided information about Pflugerville water supply and the Highland Lakes Firm Water Customer Coalition. Mr. Pritchett reviewed the current and proposed drought contingency plan, stating the proposed plan would be closer to what LCRA has in their plan. There was no one present wishing to speak under the public hearing. Mayor Pro Tem Weiss moved to close the public hearing. Mr. McDonald seconded the motion. All voted in favor. The motion carried. Mr. Rogers asked about the fine amount. Mr. Pritchett stated the amount did not change from the previous ordinance. Mr. Zech provided information about fees.

Mr. McDonald moved to approve the ordinance on first reading. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

## 7. Regular Agenda

- 7C. [2023-0023](#) Discuss and consider selection of Griffin Swinerton/Catellus as the master developer for Downtown East.

Mayor Gonzales opened the item for discussion. Ms. Barron reviewed the project steps and stated three proposals were received for the master developer for Downtown East. Ms. Barron reviewed the project goals and discussed the public private partnership process. Jay Brown with Hayat Brown provided comment about Griffin Swinerton/Catellus stating the developer shows an ability to lead while also collaborating. Mr. Brown answered questions from council. Korin Crawford with Griffin Swinerton and Greg Weaver with Catellus introduced themselves and answered questions from council about their backgrounds. Mr. Crawford discussed his twenty-two years of experience in large scale public private transactions. Mr. Weaver discussed Downtown East as the City's project and the developer is to execute the goals that the council voted on. Discussion followed regarding other projects the developers have been involved with. Mr. Rogers asked about the division of work between the two companies. Mr. Weaver provided information stating Griffin Swinerton looks at the public building side and Catellus looks at vertical mixed use, but a lot of things will be coordinated together. Discussion followed regarding execution and styling to fit in with what the city and the community wants. Ms. Breland provided comment stating Griffin Swinerton/Catellus brought what the community wanted with calculated optimism and they bring unique offerings. Ms. Barron reviewed the project schedule.

Mr. Rogers moved to approve the item. Ms. Holiday seconded the motion. All voted in favor. The motion carried.

- 7G. [2022-0247](#) Conduct a presentation regarding the Communications Department.

Discussion on the item occurred during the previously posted worksession.

- 7H. [2022-1162](#) Discussion regarding fiber infrastructure.

Discussion on the item occurred in the previously posted worksession.

## 8. Discuss and Consider Items Pulled from Consent Agenda

## 9. Adjourn

Mayor Gonzales adjourned the meeting at 11:12pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as \_\_\_\_\_ on January 24, 2023.