



City of Pflugerville

Minutes - Final

City Council

Tuesday, November 14, 2023

7:00 PM

1611 Pfennig Lane

Regular Meeting

1. Call to Order

Mayor Victor Gonzales called the regular meeting to order at 7:04pm. 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; Terri Toledo, Director of Management Services; Trista Evans, City Secretary; Charles Zech, City Attorney; Jason O'Malley, Police Chief; Jeremy Frazzell, Planning and Development Services Director; Brandon Pritchett, Public Utility Director; Evan Groeschel, Operations Director; Jason Haun, Emergency Management Coordinator; Katie Kam, Assistant Director of Traffic and Transportation; Lauren Henkes, Finance Assistant Director.

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 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.

3. Public Comment

Lee Hill stated over the last few weeks a traffic signal was installed at 10th and Wells Branch and that it could have been done better. Mr. Hill stated that it was lit up red in all directions when the primary should have been an amber light. Mr. Hill discussed the traffic issues it caused and stated he hopes the next one that is going in is set up differently. Mr. Hill stated at Falcon Ridge and Lone Star Ranch there is a stop sign that people are ignoring.

Michelle Acevedo stated she lives on Panther Drive and has some concerns

about the Rowe Lane extension. Ms. Acevedo discussed seeing the engineers drawing of the road going behind properties and requested a sound barrier if that is the case. Ms. Acevedo stated they were contact last week by the developer and there was a different set up than was previously shown and she would like to know what the design will be.

Buck Hendrix stated he lives next door to Michelle and recently found out what was going on with the new development. Mr. Hendrix discussed a similar concern of property being cut by the road and concerns about sound and stated they need to know what the design will be.

Ken Marschand discussed concerns about the Chisholm Trail PUD development. Mr. Marschand stated the new development would increase traffic flow and Maple Vista cannot be considered as a main thoroughfare. Mr. Marschand stated the infrastructure should be provided before the development and discussed significant flooding in the area and wildlife that would be impacted.

Reading of the Consent Agenda

Ms. Evans stated the following items were removed from the consent agenda: 4A., 4B., 4C., 4J., 4L., 4M., 4P., 4Q., 4S., 4U., 4V., 4W. Ms. Evans read the captions of the ordinances remaining on the consent agenda and stated all remaining items could be acted upon in a single motion.

4. Consent Agenda

- 4D. [ORD-0747](#) Approving an ordinance on second reading with the caption reading: An ordinance regarding the City of Pflugerville's Texas Municipal Retirement System benefits: (1) adopting non-retroactive repeating COLAs for retirees and their beneficiaries under TMRS Act §853.404(f) and (f-1), and (2) authorizing annually accruing updated service credits and transfer updated service credits.

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

- 4E. [ORD-0752](#) 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 changing the zoning designation of approximately 81-acres of unplatted land situated in the Peter Conrad Survey, Number 71, Abstract Number 200, in Travis County, Texas, from Urban (Level 4:CL4) and Urban Center (Level 5:CL5) to Planned Unit Development (PUD) District; to be known as the Chisholm Station Planned Unit Development (2022-7-PUD); providing for repeal of conflicting ordinances; providing for serviceability; and providing an effective date.

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

- 4F. [2023-1059](#) Approving the minutes of the October 24, 2023 Worksession, October 24, 2023 Regular Meeting, and October 26, 2023 Joint Meeting.

The minutes were approved on the consent agenda.

- 4G.** [2023-1022](#) Canceling the December 26, 2023 City Council Worksession and Regular Meeting.
The item was approved on the consent agenda.
- 4H.** [2023-1064](#) Approving the FY23 Q4 Investment Report.
The item was approved on the consent agenda.
- 4I.** [2023-1111](#) Approving an amendment to the City Manager's labor agreement.
The item was approved on the consent agenda.
- 4K.** [2023-1051](#) Approving a conditional purchase agreement and associated conveyance documents between Fortune Land Investments, LLC (Parcel No.14) and the City of Pflugerville as necessary to acquire real property interests for the Wilbarger Creek Wastewater Interceptor Project and authorizing the City Manager to execute the same.
The item was approved on the consent agenda.
- 4N.** [2023-1017](#) Approving a professional services supplemental agreement with Kimley-Horn in the amount of \$119,463 for professional engineering services associated with the Cottonwood West Lift Station, and authorizing the City Manager to execute the same.
The item was approved on the consent agenda.
- 4O.** [2023-1066](#) Approving a professional services agreement with LSPS Solutions, Inc. in the amount of \$139,706 for professional engineering services associated with the Lead Service Line Inventory Project, and authorizing the City Manager to execute the same.
The item was approved on the consent agenda.
- 4R.** [2023-1013](#) Approving a construction contract for Wilbarger Creek Park, Phase 2 associated with the 2020 General Obligation Bond Parks Projects to Patin Construction LLC, in the amount of \$3,392,198, and authorizing the City Manager to execute the same.
The item was approved on the consent agenda.
- 4T.** [RES-1157](#) Approving a resolution appointing City of Pflugerville representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization Transportation Policy Board.
The resolution was approved on the consent agenda.

Action on the Consent Agenda

Mr. McDonald moved to approve the consent agenda. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

Items pulled from the consent agenda will be addressed under Item 6.

5. Regular Agenda

- 5A. [2023-1103](#) Discuss and consider action to approve a construction contract with PLW Waterworks in the amount of \$35,492,185 for construction services associated with the Wilbarger Creek Regional Wastewater Treatment Facility, and authorize the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Pritchett reviewed the facility plans and discussed the CMAR delivery method and the general timeline. Mr. Rogers asked for information about the TWDB and WIFIA funding. Mr. Pritchett provided information about the amount being funded through those sources. Mr. Metayer discussed making sure these long term facilities are built right for future populations. Mayor Pro Tem Weiss asked if this contract is line with the estimates. Mr. Pritchett stated it was. Mr. Rogers asked about lift station consolidation. Mr. Pritchett provided information about lift stations and some of the risk around them. Discussion followed regarding long term plans for lift stations and Mr. Pritchett provided information. Mayor Pro Tem Weiss moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 5B. [2023-1055](#) Discuss and consider action to appropriate ARPA funds for Pfood Pfairness program.

Mayor Gonzales opened the item for discussion and provided information about the proclamation that was presented for the program. Corey Amador gave a presentation about the Pfood Pfairness program started by her sons and discussed what happens when students do not have money to pay. Mr. Metayer asked if she has spoken to the school board. Ms. Amador provided information about her discussions with the ISD and Aramark, the food service provider. Ms. Amador discussed the process to apply for free and reduced lunches and discussed identifying the needs. Ms. Holiday stated the debt will continue to accumulate and asked about how this can help over the long term. Ms. Amador stated they are no longer paying off debt, but working on paying for student lunches for a year as the need is identified. Ms. Holiday asked about ensuring equity and that the funds are shared in a diverse way. Ms. Amador stated they are working with the school social workers. Mr. Ruiz stated he is so proud of John and Maxx for making a difference in their community. Mayor Gonzales moved to fund the program from ARPA funds for \$50,000. Mr. Metayer seconded the motion. Mr. McDonald suggested Ms. Amador speak to Backpack Friends who has navigated some of the same hurdles and discussed the impact of this type of program. Mr. McDonald offered an amendment to allocate \$100,000 to the program. Mr. Zech stated the city manager also needs to be authorized to enter in a subrecipient agreement under the ARPA guidelines and a reimbursement agreement is preferred. Discussion followed regarding the terms of the agreement. Mr. Metayer discussed addressing the needs that

are in the community. Mayor Gonzales amended his motion to allocate \$100,000 in ARPA funding, and authorized the city manager to enter into a reimbursement subrecipient agreement. Mr. Metayer seconded the motion. All voted in favor. The motion carried. Ms. Holiday stated she would like to know who is being helped if some demographic information is available.

5C. [2023-1058](#)

1.) Executive Session Item: Discussion in accordance with Texas Government Code Section 551.072 Deliberation regarding Real Property and Section 551.071 Consultation with Attorney related to Downtown East development. 2.) Open Session Item: Discuss and consider action regarding Downtown East development.

Discussion on the item occurred in executive session in the previously posted worksession.

5D. [2023-1053](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding litigation: Settlement and arbitration fees for Austin Materials, LLC vs. The City of Pflugerville, et. al. 2.) Open Session Item: Discuss and consider action regarding litigation: Settlement and arbitration fees for Austin Materials, LLC vs. The City of Pflugerville, et. al.

Mayor Gonzales opened the item for discussion. Mayor Pro Tem Weiss asked to see the settlement agreement. Mayor Gonzales stated the item would be postponed to the next meeting.

5E. [2023-1123](#)

Discussion regarding the Pflugerville Community Development Corporation (PCDC) Comprehensive Economic Development Strategic Plan 3.0 (CEDS 3.0).

The item was discussed during the previously posted worksession.

6. Discuss and Consider Items Pulled from Consent Agenda

4A. [ORD-0759](#)

Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending Chapter 31 Article II of the City of Pflugerville Code of Ordinances, as amended, by adding §31.21 titled Reserve Police Force, providing for repeal of conflicting ordinances; providing for severability clause; and providing an effective date.

Mayor Gonzales opened the item for discussion. Mayor Pro Tem Weiss discussed wanting more information about the intent and purpose for the program. Chief O'Malley stated that five people are currently part of the reserve force and are not used in an official capacity, but for their specialized skills as instructors. Discussion followed regarding what the reserve force would be doing, requirements, and allowances based on the statute to be used in an official capacity. Mr. McDonald discussed using the expertise of people with extended experience. Chief O'Malley discussed the types of duties in a training capacity and their commission. Mayor Pro Tem Weiss moved to postpone the item to the next meeting. Mr. Rogers seconded the motion. The vote was as follows: Mr. McDonald - no, Mayor Gonzales - no, Mr. Rogers - yes,

Mr. Ruiz - yes, Mayor Pro Tem Weiss - yes, Mr. Metayer - yes, Ms. Holiday - no. The motion carried and the item was postponed. Mr. Rogers stated he would like to see an ordinance that authorizes the current practices of the city.

4B. [ORD-0757](#)

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 (Jesse Bohls Road and Cameron Road) to establish prima facie maximum speeds; providing for a penalty for a violation of Chapter 72 as a Class C Misdemeanor and a fine in an amount not to exceed \$200.00; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

Mayor Gonzales opened the item for discussion. Mayor Pro Tem Weiss asked if the 25mph is regulatory or advisory. Ms. Kam stated it is an advisory speed and provided information. Discussion followed regarding it reading as regulatory. Mayor Pro Tem Weiss discussed concerns with a 25mph speed limit and discussed the requirements needed for a speed limit to be under 30 mph. Mayor Pro Tem Weiss moved to approve the ordinance on first reading with the amendment to strike the row with the 25mph speed limit. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

4C. [ORD-0753](#)

Approving an ordinance on first and final reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the second amendment to the FY23 Budget for the City of Pflugerville; and providing an effective date.

Mayor Gonzales opened the item for discussion. Mayor Pro Tem Weiss discussed concerns about looking through the items that were previously stated to be items that would be completed or money that was projected to be spent. Mayor Pro Tem Weiss reviewed the items in the amendment. Discussion followed regarding timing of the projects. Ms. Henkes discussed the budget amendment process. Mayor Pro Tem Weiss asked for more projection review at the final revision stage in the budget process. Mr. McDonald moved to approve the ordinance on first and final reading. Mr. Metayer seconded the motion. Mayor Pro Tem Weiss voted no, all others voted in favor. The motion carried.

4J. [2023-1050](#)

Approving a conditional purchase agreement and associated conveyance documents between Pflugerville Cameron Properties, LLC (Parcel No.6) and the City of Pflugerville as necessary to acquire real property interests for the Wilbarger Creek Wastewater Interceptor Project and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Dunsworth introduced the project and reviewed the purchase agreement for access for future operation. Mr. Metayer discussed how much goes into this type of project. Mr. Metayer moved to approve the item. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

4L. [2023-1065](#)

Approving a professional services supplemental agreement with Dunham

Engineering in the amount of \$65,000 for professional engineering services associated with the Historic Elevated Tank Rehabilitation Project, and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Pritchett reviewed the scope to evaluate lighting options for the historic water tower and to provide visual depictions of those options to provide to council. Discussion followed regarding what kind of light options may be available. Mr. Metayer moved to approve the item. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

- 4M.** [2023-1104](#) Approving a professional services supplemental agreement with Quiddity in the amount of \$1,062,043 for professional engineering services associated with the Reclaimed Water Line to 1849 Park project, and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Pritchett reviewed the reclaimed water plan and discussed the scope for 1849 Park. Mr. Metayer discussed reducing costs with reclaimed water. Mr. Pritchett discussed the process of setting up the system. Mr. Metayer moved to approve the item. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

- 4P.** [2023-1090](#) Approving a professional services agreement with Rock Engineering and Testing Laboratory, LLC in the amount of \$88,885.00 associated with the Neighborhood Street Reconstruction Package No. 2 project and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Metayer asked Mr. Zech to add pandemic coverage in the force majeure section moving forward. Mr. Metayer moved to approve the item. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

- 4Q.** [2023-1088](#) Approving a construction contract with Patin Construction in the amount of \$9,872,559 associated with the Neighborhood Street Reconstruction Package No. 2 project and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Metayer moved to approve the item. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

- 4S.** [2023-1089](#) Approving amended litigation fees for City Attorney.

Mayor Gonzales opened the item for discussion. Mr. Rogers stated he thinks the increase is overdue and modest. Discussion followed regarding the rates. Mayor Pro Tem Weiss moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 4U.** [RES-1161](#) Approving a resolution to approve the Travis County Hazard Mitigation Action Plan Update 2023.

Mayor Gonzales opened the item for discussion. Mr. Metayer asked about what kind of feedback can be provided about the plan. Mr. Haun stated he is open to any feedback to pass on and provided information about plan. Mr. Metayer

moved to approve the item. Mayor Pro Tem Weiss seconded the motion. All voted in favor. The motion carried.

4V. [RES-1162](#)

Approving a resolution authorizing the City Manager to execute an amendment to the Interlocal Cooperation Agreement for Public Health Services between the City of Austin and the City of Pflugerville.

Mayor Gonzales opened the item for discussion. Mr. McDonald discussed hearing about ADA issues with other pools and asked if the amendment would open up other inspections. Mr. Frazzell discussed the situation behind the amendment stated Williamson County is no longer providing these inspections and it is up to the pool owner to have an inspection completed. Mr. Frazzell stated Austin Public Health was open to amending the agreement to cover those pools. Discussion followed regarding Williamson County releasing the responsibility. Todd Mers with Austin Public Health provided information about the discussions and answered questions regarding the fees stating they will be reviewing when they start their budget season in January. Mayor Pro Tem Weiss moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

4W. [RES-1163](#)

Approving a resolution approving the Amendment to the Amended and Restated Comprehensive Development Agreement for Lakeside Municipal Utility District No. 5 and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for discussion. Mr. Frazzell reviewed the location and discussed the amendments to make an adjustment on land use to allow a drive thru opportunity, removing the gas station land use, and synthetic turf opportunities. Mr. McDonald asked if Planning reviewed the drive thru to make sure overflow from lines does not impede traffic. Mr. Frazzell stated this is something Planning has already started discussing with the developer. Matt Tiemann provided information about the driveway spacing and discussed the parking ratio. Mr. Rogers discussed concerns about driveway spacing. Mr. Tiemann stated he is fine with striking the Travis County requirements for driveway spacing and following the City's Unified Development Code requirements.

Mr. McDonald moved to approve the item as amended, striking the Travis County requirements for driveway spacing and using the City's. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

7. Adjourn

Mayor Gonzales adjourned the meeting at 10:00pm.

Respectfully submitted,

Trista Evans, City Secretary

Approved as submitted on November 28, 2023.