



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, June 8, 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 Gonzales called the regular meeting to order at 7:06p.m. Councilmembers Doug Weiss, Ceasar Ruiz, Mike Heath, David Rogers, and Rudy Metayer were in attendance. Mayor Pro Tem Peña was absent. City staff attending: Sereniah Breland, City Manager; Roxana Stevens, Assistant City Attorney; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Trista Evans, Deputy City Secretary; Emily Barron, Planning and Development Services Director; Brandon Pritchett, Public Utility Director; Melissa Moore, Finance Director; Nicole Little, Business Process Analyst; Jason Smith, Acting Police Chief; Jennifer Griswold, Library Director; Maggie Holman, Public Information Office; Cody Collins, Information and Technology Director; Shane Mize, Parks and Recreation Director; Shawn Cooper, Parks Development Manager; Breanna Higgins, Intern; Wade Maness, Videography 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

Mayor Gonzales provided information about the 2021 Resident Survey that was mailed to a random sample of Pflugerville and anyone interested may take the online survey at [pflugervilletx.gov/survey](http://pflugervilletx.gov/survey). He announced an opportunity on

June 12th from 9a.m. to 1p.m. to get information on the COVID-19 vaccine at Millennium Youth Entertainment Complex supported by Travis County, City of Pflugerville, Austin Health Institute, and regional partners. Mr. Heath commended the healthcare workers that helped get everyone through the worst part of COVID and shared his personal experience with COVID. Mr. Metayer commended that the way the city has worked with the county for COVID testing and vaccines and encouraged people to talk to their doctors. He commended Pflugerville ISD on getting through the school year.

#### 4. Presentations

##### 4A. [2021-0589](#) Presentation and discussion on the American Rescue Plan Act (ARPA).

Ms. Little provided information on the American Rescue Plan Act (ARPA) identifying several projects in general fund and utility fund that would be eligible for a project request. Ms. Little stated that reporting requirements have not been finalized and clarification on allowable use guidance is being requested by governments nationwide. Mr. Weiss stated he is curious about the broadband aspect. He stated that utility projects that have been identified are already considered in our rate studies and does not think that fits within the intention of these funds. Mr. Heath asked if the funds could be used for emergency backup generators. Mr. Heath stated they are already funding and does not know if that would be appropriate to use here. Mr. Metayer asked about after the fact liability if they change the rules after the money was spent. Ms. Stevens stated without knowing the history of dealing with this particular fund no one knows how they are going to act and can only follow what they are saying now. Discussion followed regarding specific use of the funds. Ms. Little stated that much is still unknown and waiting on more guidance. Mr. Ruiz stated he wanted to keep the option open of assisting small businesses. Mr. Heath asked how much help the small business received through CARES. Ms. Breland stated that PCDC administered that and can ask them for the information. Mayor Gonzales stated focusing on things that can be addressed more immediately and thoroughly. Mr. Metayer stated he would be interested in looking at remote work options. Mr. Rogers stated water issues are key and if the money will not be used to pay for what is already being looked into may be able to accelerate or expand the water and wastewater projects and infrastructure.

#### 5. Public Comment

Public Comment occurred later in the regular meeting.

#### 6. Public Hearings

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

##### 6A. [RES-0880](#) Conduct a public hearing regarding the Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2021.

Ms. Barron provided information on the CDBG Annual Action Plan with a list of eligible and ineligible activities stating the project priority so far has been for streets, sidewalks, trails, and streetlights. She stated the Parks and Recreation

scholarship has approved 17 residents and the information for the program is in utility bill inserts and social media. Ms. Barron stated this first public hearing will not provide specific actions, but ask for actions to be discussed. Ms. Barron asked the council if they have an ideas they wish to provide. Mr. Rogers stated he likes the Yellow Sage project and the street next to it, Parkway Drive, is also in need of work. Ms. Barron stated Parkway Drive can be looked at to see how it might be broken into segments to utilize the funding. Mayor Gonzales asked if there is any planning for connecting Yellow Sage. Ms. Barron stated that portion is does not fully service residential area so it does not qualify for CDBG funding. Mr. Metayer asked if it would be possible to provide any help under workforce solutions. Ms. Barron stated that can be discussed. Mayor Gonzales asked if other areas have been identified that need work. Ms. Barron stated the Gatlinburg block group qualifies for CDBG funding. Mr. Weiss stated the sidewalks in the Gatlinburg area need to be looked at. Mr. Heath asked if there are opportunities to partner with PCDC for workforce development. Ms. Barron stated the requirement is the people being assisted by the system need to be in low to moderate paying jobs. Mr. Weiss stated PCDC may have more flexibility to work with workforce funding. Discussion followed regarding workforce development. There were no public comments on the item. Mr. Weiss made a motion to close the public hearing. Mr. Metayer seconded. All voted in favor. The motion carried.

## Reading of the Consent Agenda

Items 10A, 11A, and 11B were removed from the consent agenda. Ms. Evans read the items to include the captions of the ordinances under consideration.

### 7. Ordinances First Reading

- 7A. [ORD-0586](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville Amending Chapter 153 of the Code of Ordinances for the City of Pflugerville, Texas, by amending the fourth policy chapter of the 2030 Comprehensive Plan to update the elements of the overall plan and adopt the revised Water Master Plan dated March 2021 and updated Wastewater Master Plan dated March 2021; providing for severability; and providing an effective date.

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

### 8. Ordinances Second Reading

- 8A. [ORD-0585](#) 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 4.724 acres, of unplatted land situated in the Joseph Wiehl Survey, Abstract No. 802, in Travis County, Texas, from Agriculture/Development Reserve (A) district to Retail (R) district; to be known as the Weiss Lane Commercial Rezoning (REZ2104-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

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

- 8B. [ORD-0588](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City's Code of Ordinances, Chapter 33 Finance and Taxation by adding a new Section 32.23, Telecommunication Services Tax relating to taxation of Telecommunications Services; repealing the application of the exemption provided for in Section 321.210 of the Texas Tax Code; providing for notification to the Comptroller of the State of Texas; providing that no such tax provided for hereunder shall serve as an offset to or to reduce any amount payable by any provider of Telecommunications Services pursuant to any franchise, street use ordinance, statute or any other imposition of the City of Pflugerville; providing for incorporation of premises; providing for findings; providing a cumulative repealer clause; providing for savings, providing for severability; providing for engrossment and enrollment; and providing an effective date.

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

- 8C. [ORD-0584](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, approving athletic field lighting per Subchapter 13.9 of the Unified Development Code to be installed at Park Crest Middle School located at 1500 N. Railroad Ave.; Approving variations from Subchapter 13.9 of the Unified Development Code in that the athletic field lighting is proposed to exceed the maximum light fixture height and maximum foot candle allowances in order to meet the University Interscholastic League (UIL) standards for a football field; providing for repeal of conflicting Ordinances; providing for severability; and providing an effective date.

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

## 9. Approval of Minutes

- 9A. [2021-0575](#) Approval of the minutes of the May 18, 2021 Worksession and May 25, 2021 Worksession and Regular Meeting.

The minutes were approved as submitted on the consent agenda.

## Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

## 10. Resolutions - Removed from the Consent Agenda

- 10A. [RES-0881](#) Approving a resolution establishing a City of Pflugerville Stage Rental Policy.

Mayor Gonzales state there was a request to speak on item 10A. from Tom Cottar.

Tom Cottar, Hawks Swoop Trail, stated that he has seen a lot of change in Pflugerville and community impact and sharing resources is key to growth. He voiced approval for the resolution as it shows private and public collaboration and sends a message to other local collaborators.

Diana Lindsey, Paul Street, did not wish to speak but wanted her support on record.

Mr. Weiss stated he wanted to offer the rate to those associated with emergency services district and Travis County. Mr. Weiss made a motion to approve the item with the addition of ESD, Travis County, and other overlapping governmental entities. Mr. Metayer seconded the motion. Mr. Rogers asked if it allows boy scout troops that are affiliated with a local church. Ms. Breland stated the scout troops are included and the language was kept broad purposefully. Mayor Gonzales asked if it would be rented to non Pflugerville residents. Ms. Breland confirmed. Mayor Gonzales called for a vote, all voted in favor. The motion carried.

## 11. Other Actions - Removed from the Consent Agenda

- 11A. [2021-0587](#) Authorize the City Manager to approve a purchase and software agreement with HydroPro Solutions Inc. for software and integration services in the amount of \$70,425 associated with the Automated Meter Infrastructure (AMI) project.

Mr. Pritchett provided information on the HydroPro Solutions software and answered questions from the council. Mr. Weiss asked if additional headcount would be needed to maintain the system. Mt. Pritchett stated it might reduce required staff time as staff will be able to work on other items rather than this. Mr. Rogers made a motion to approve the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

- 11B. [2021-0550](#) Authorize the City Manager to approve the purchase of replacement Cisco network switches for an amount not to exceed \$80,000 from Presidio Networked Solutions Group, LLC.

Mr. Rogers asked Mr. Collins why the switches are not purchase directly from Cisco. Mr. Collins stated it is through a purchasing coop. Discussion followed regarding pricing. Mr. Weiss asked what the failure rate is on the switches. Mr. Collins stated in the last year have had one or two fail out of about 45. Mr. Rogers and Mr. Weiss asked about the service and maintenance pricing. Mr. Collins stated that this pricing was the best of the quotes they received. Mr. Heath asked about life of service and if the plan is to stagger replacements. Mr. Collins stated a five year life is recommended and replacements will be staggered. Mr. Heath moved to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

## Public Comment

Quinn Deutschendorf, Copper Crassland Way, stated he has volunteered over 250 hours cleaning up Gilleland Creek and the issue of public waterways is paramount. He stated there is a rapidly growing problem with Gilleland Creek and plastics deposited and plastics have an ever larger impact on wildlife. Mr. Deutschendorf showed council a bird nest that was built with plastic. He asked city council to take action to clean up Gilleland Creek Park stating he has a lot of experience with it and submitted a project proposal and he would appreciate if more of them would interact with the project.

## 12. Ordinances Second Reading

- 12A. [ORD-0587](#) Discuss and consider action to approve an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, adopting the first amendment to the FY21 Budget for the City of Pflugerville; and providing an effective date.

Ms. Moore provided information on the budget amendment detailing what the amounts were for. Financial Advisor Dusty Traylor provided additional information about the items. Mr. Rogers asked about the certificates of obligation and if there is going to be an election what the incremental cost is. Mr. Weiss stated certificates of obligation will be discussed later in the agenda and this item is to state interest in making those negotiations. Mr. Rogers suggested deleted the \$27 million from this item and leaving it otherwise untouched. Discussion followed regarding tax rates and when the money can be utilized based on law. Mr. Traylor stated the timetable for events that the city is contemplating is to bring them to council on August 10 for approval and that would approve the sale that evening. Bond Counsel, Richard Donoghue when the bond purchase agreement and ordinance is signed, that is the key trigger date. Mr. Donoghue stated the city would be committing to buy the bonds upon approval on August 10 when the call dates are set. Mr. Rogers made a motion to approve the amendment but pull the \$27 million. Mayor Gonzales stated there are citizens wishing to speak.

Bob Reichenback, Cottonwood Lane, stated he wanted to represent the seniors who are having a hard time. He stated taxes are more than his first mortgage payment and thinks items should go to the voters and the best thing council can do for the city is become the voter's friend. He stated he is struggling to justify being able to stay in Pflugerville and asks that this get careful consideration, not to do certificates of obligation, and do not rush into anything.

Mr. Rogers made a motion to approve with amendment that pulls the \$27 million. Mr. Heath seconded the motion. All voted in favor. The motion carried.

## 13. Discuss and consider action

- 13A. [2021-0553](#) Discuss and consider action to award a construction contract for the 2019/2020 Community Development Block Grant (CDBG) Pavement

Rehabilitation Project on Yellow Sage to Smith Paving, Inc the lowest responsible bidder of three (3) accepted bids received on May 20, 2021, in the amount of \$267,062.16 and authorizing the City Manager to execute same.

**Ms. Giannini provided information on the construction contract for the final section of Yellow Sage and the bidders on the project. Mr. Heath made a motion to approve the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.**

**13B. [RES-0882](#)**

Discuss and consider action to approve a resolution with the caption reading: "Resolution authorizing the publication of Notice of Intention to Issue City of Pflugerville, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2021, and other matters related thereto" (City Hall and Public Safety in support of EMS services)

**Ms. Moore provided information on the item including funding for capital improvement projects, acquire land for city hall, construction and support of new EMS services and stated that the city is not bound to issue certificates of obligation with this resolution. Mr. Metayer stated based on the prior conversation can it be amended without the \$27 million. Mr. Weiss asked if Mr. Metayer was asking to approve the \$15 million. Mr. Donoghue stated as long as the motion states approving the resolution with the amount and removing the construction of the city hall facility the new dollar amount would be \$15 million. Mr. Metayer made a motion to approve with amendment to \$15 million. Mr. Weiss seconded. Mr. Heath voted no. All others voted in favor. The motion carried.**

**Terry Newsom, 12th Street, provided handouts to the council for public comment. He provided information on a previous resolution that mentioned \$50 million for a city hall possibly using certificates of obligation. He stated certificates of obligation are a tool for emergency spending and this is a misuse of the way they should be used. He stated in 2008 there was a vote for a city hall and voters voted it down and they are scared of that happening again. He stated while a city hall is needed they can get something reasonable. He asked the council not to bypass the voters, they voted for the senior citizen center and they will vote for something that is good.**

**13C. [2021-0554](#)**

Discuss and consider action regarding the reallocation of funds from the 2016 Certificate of Obligation Bond Program currently allocated for the Gilleland Creek Pool Bathhouse and considering options proposed by staff as to potential projects.

*Option D Approved*

**Mr. Cooper provided information on the status of Gilleland Creek Pool and provided a number of suggestions for the council to discuss for the funds, including a Parks Maintenance Facility, 1849 Park Phase 1 Improvements, Parks Improvements, and the Gilleland Creek Pool Bathhouse. Mr. Heath asked how many trucks are currently at the public works facility stating it looks like a lot having to get in and out of a limited access facility and need to get some off the books. Mr. Cooper stating anticipating 1849 Park to become central headquarters of Parks Operations. Mr. Weiss stated option C seems premature. Mr. Cooper stated it is to give the council a number of options including review**

of the structural integrity of the BMX park, 1849 play shade, outdoor fitness center, and Bohls House. Mr. Heath asked how much a new pool costs. Mr. Cooper stated around \$14 million. Mr. Ruiz asked for option D, the Gilleland Creek Pool bathhouse, includes design, demolition, construction and to tear everything down and do it correctly would be \$14 million and stated there has to be a less expensive way to do this.

Mr. Metayer referenced the flooding incidents and asked if this atypical or par for the course in this particular area. Mr. Cooper stated it has flooded twice and the pool will stay in the floodway. He stated the buildings would be two feet above that and if buildings do get inundated can host them out as everything will be mounted above that as well and they won't have the same ruining problem that has been seen in the past. Mr. Rogers stated the odds that there will be another flood in the next 15 years are extremely high. Mr. Cooper stated the he is not saying it is not going to flood again but they are trying to minimize any kind of damage to the buildings. Mr. Metayer stated there is a significant difference between minimizing and fixing it. Mr. Ruiz asked what the life of the pool was. Mr. Cooper stated he did not see why the city would not get another 10 years.

Mr. Weiss made a motion for Option D. Mr. Metayer seconded. Discussion continued.

Mr. Heath asked what was different this time from the past. Ms. Breland stated this is the same presentation. Mr. Heath asked if that is a good expenditure of tax dollar right now of if it should wait a cycle until the drainage report is complete which may change what can be done. Mr. Weiss stated he did not see the flood study changing the way the building is designed and built. Discussion followed regarding the flood study indicating that the flood level could raise or fall. Mr. Heath stated there is a possibility that we could lower the overall flood plain but best case is a 5-6 year time frame trying to find a solution when a solution could be started. Mr. Rogers stated there still is not the Parks and Recreation master plan, there is a lot of mystery that will not be solved for a year or two in terms of need to something or not at Gilleland.

Tom Garry, Oak Ridge Drive, stated what is happening at the pool is embarrassing as people are coming from all around and parents cannot let their children use the restroom. He asked council to quit flailing around the project, they have been talking about it for years and there are plans in place they could be doing. He stated it is embarrassing that this has been happening for years and it is money well spent and about the pride of the city.

Lawrence Bailey, Clovis Drive, stated he is a representative for the Pfluger family for the Bohls house and they are in support of the city recommending the project. The house was moved to the city and agreed that the city would not destroy the home and was pleased that the house has been prioritized for receipt of allocated funds. He stated that the consideration was using the Bohls House in conjunction with the Green Red Barn and this option should be a revenue generating source for the city. He stated he thought this project had work done on it already and hoped that when the project is considered all costs are brought forward and considered.

Glenn Schiller, Richland Road, stated he is in his second year as president of the Heritage House museum and his maternal family has been here since the



1880s. He has volunteered with the museum and the Bohls House has been on the mind of Heritage House partners for some time. He stated thought it was donated to the city with the intention to use in conjunction with the Heritage House Museum.

Terry Newsom, 12th Street, asked how a bathhouse cost \$1 million. He stated he understands a community pool will cost more than a personal pool but that is a huge difference. He stated it seems like once it is tax payer money the cost goes up. He stated the city needs to start looking at different contractors and more responsible ways to get the job done. He stated he has never been to this pool but will go see what a \$1 million bathhouse looks like if it is built.

Jim McDonald, Great Sand Dunes, stated this was something the council looked at three years ago with a proposal for asbestos abatement and decided not to move forward with it. He stated hopefully the council will find the funds for restoration of the Bohls House in the future. Mr. McDonald stated Gilleland Pool is where the money should be, stating it is not just a \$1 million toilet but multiple facilities that address the flood plain issue. He stated he strongly urges Option D to keep the funding where it is and get the building put up.

Ms. Evans read multiple written comments provided:

Sarah Schreffler, Springbrook Glen, stated that the pool is a great resource for the community and swim teams but the bathrooms have been closed since the summer of 2019. She stated it does not represent the community well and asked the council to do the maintenance necessary and already budgeted to keep it useful into the future.

Phyllis Pastre, Llano Avenue, stated the Bohls House services as an important reminder of the history of Pflugerville and to educate people about the city's heritage. She stated the overall intent was to maintain the home and prevent its destruction. She stated the Bohls family supports the city's proposal to renovate the home to better serve the needs.

Vernagene Mott stated the Bohls House project would expand the opportunities which complement the Red Green Barn and the home is still in good condition and has possibilities for staff, citizens, guests, and even museum expansion. She asked council to consider incorporating the Bohls House items into their vote.

Lauren King stated she was on a swim team and worked as a lifeguard at Gilleland Creek Pool and she remembers how bad the bathroom facilities were. She stated if the city wants to continue to have the facility open to the public updating the bathrooms is necessary. She stated the lifeguard break room also needed updates and to consider updating the Gilleland Creek Pool.

Keith Foster stated the funds for the pool building need to be used for the pool repairs and updates and other interests should not take the funds.

Carol Teitelman stated that the pool complex is the center of many activities in Pflugerville and asked the council to fund the rebuilding of the bathrooms and support buildings.

Dina Schaefer asked the council not to reallocate the funds for the Gilleland Creek Pool house stating other communities come to the pool and its current

state is not a good representation of the city.

Mr. Heath asked which one is most used by the public of the options provided. Mr. Mize stated the pool and the park itself is most used. Mr. Weiss restated his motion for Option D with the second from Mr. Metayer. The vote was as follows: Mr. Weiss - yes, Mr. Ruiz - yes, Mr. Metayer - yes, Mr. Heath - yes, Mr. Rogers - no, Mayor Gonzales - no. The motion carried.

**13D.** [2021-0576](#)

Discuss and consider action regarding adding Charter amendment propositions to the November 2, 2021 special election ballot.

Mr. Metayer stepped away from the dais. Mr. Heath provided handouts of proposed amendments to the charter.

Mr. Heath read his proposed change to Section 3.09(c) Prohibitions, to delete the first sentence. He stated that it can be challenging at times to have to go through the city manager directly for basic inquiries, and this is not to influence or persuade anyone to action. He stated he wanted to make sure those types of inquiries are not in violation. Mr. Weiss stated he is worried about repercussions on that and has had discussions with staff predicated on going through the city manager and requesting them. Mr. Rogers stated the proposal brings the city more in line with what is allowed in neighboring cities and Austin is able to. He stated it makes a great deal of difference in efficiency for internal communications. Mr. Rogers stated it does not seem unreasonable to be able to call the police chief for questions and would not anticipate changing the current process but under literal terms of what is written that would be in violation and this would provide efficiency. Mr. Ruiz stated if the council initiates conversation it may cause employees to step out of line and they would have to walk a fine line with that, as an elected official they are in a different place. Mr. Weiss stated it is easy to maintain the chain of command and it is there for a reason, he has to assume when the charter was written it was there for a reason. Mr. Weiss stated he did not think a five minute conversation was sufficient to change it and does not want to come back in two or three years and say it was a bad idea. Mayor Gonzales stated in prior experience he would be able to visit with department heads and did not have to get permission from the city manager. He stated he understands the chain of command but it creates a little tension with the staff and he talks to fewer employees now. Mr. Ruiz suggested instead of deleting the line, rewording it in a way that allows for communication. Mr. Heath stated that was he asked for and the deletion was provided. Mr. Ruiz stated he liked the idea but was worried about the ramifications. Mr. Heath stated he finds it difficult at times to get information. Mr. Weiss stated this was likely the main drive for adding the executive assistant position that would give them a direct report to handle these kinds of things. Mr. Ruiz asked what happens if councilmembers try to influence staff even though it says they cannot. Mr. Heath stated there is a censure process for that. Mr. Metayer returned to the dais. Mr. Weiss stated that asking a question of staff often means asking them to do work to develop that information and there is a fine line of asking someone what they know and asking them to figure something out. Mr. Heath stated he has felt impeded in the past. Mr. Weiss stated he has not. Mr. Heath stated it should be put on the ballot. Mr. Rogers made motion to approve the proposed amendment. Mr. Heath seconded. Mr. Metayer stated he gets apprehensive about striking a line and gets concerned looking at decisions for a short period. He stated he has not found issues and worries what will be lost with the striking stating the line

is there to better reflect normal conversations and not undermine the city manager. Discussion followed about what the amendment may allow. Mr. Weiss stated he did not see a good reason to amend the charter because they want to flip the cc on the email. Mayor Gonzales called the vote. The vote was as follows: Mr. Weiss - no, Mr. Metayer - no, Mr. Ruiz - no, Mr. Heath - yes, Mr. Rogers - yes, Mayor Gonzales - yes. The motion fails.

Mr. Heath read his proposed amendment to add Section 3.09(d) to prohibit city council subcommittees stating as it currently acts it could be a violation of the Texas Open Meetings Act because they are acting as an extension of council. Ms. Stevens stated that it could be a potential violation if a walking quorum was involved. Mr. Heath stated that Mr. Zech said the subcommittee is acting as a separate body of council if the subcommittee's recommendation to council is a rubber stamp. Mr. Ruiz asked if a committee has ever rubber stamped a decision. Mr. Weiss stated a subcommittee has not made a final decision. Mr. Heath stated that was the intention of the Transportation Committee. Mr. Metayer stated this has never been an issue before and to be able to tell if they rubber stamped would be very hard to determine. Mr. Heath stated he was looking for transparency. Mr. Heath moved to approve the proposal. Mr. Rogers seconded. The vote was as follows: Mr. Weiss - no, Mr. Ruiz - no, Mayor Gonzales - yes, Mr. Metayer - no, Mr. Heath - yes, Mr. Rogers - no. The motion failed.

Mr. Heath read his proposed amendment for Section 3.10 adding a sentence at end stating "The Mayor shall, with the assistance and input of the City Manager, set and approve the agendas for the City Council meetings." Mr. Metayer asked if the city manager is setting the agenda with the Mayor's input. Ms. Breland stated it can be sent to the Mayor after the city sets the operational items. Mr. Rogers stated the city manager can create the draft and send it to the mayor. Ms. Breland stated the draft agenda is sent to the whole council two weeks in advance. Mr. Weiss stated this was changed previously at the same time that mayor was given a vote. Mr. Rogers moved to approve the proposal. Mr. Heath seconded. Mr. Metayer stated the approval was to send this to the voters. Mr. Ruiz asked if this means the mayor will have to put together the agenda themselves. Mr. Weiss stated this makes it the mayor's responsibility but staff will be involved. Mayor Gonzales called for the vote. All voted in favor, the motion passed.

Mr. Heath read his proposed addition of Section 4.01(e) that designated Assistant City Managers as authorized by the City Council. Mr. Metayer asked how this is not interfering with day to day operations. Mr. Weiss asked what the difference would be. Ms. Stevens stated the council would approve the selection of the Assistant City Manager, not have responsibility over them. Ms. Breland stated it states in the charter that department heads will be appointed by council. No action was taken.

Mr. Heath read his proposed amendment to Section 4.06 to add that administrative departments may only be eliminated by an ordinance adopted by the city council. Mr. Heath stated that in the past there have been changes and reorganizations and budgets get jumbled over time. He stated there has been a good job recently of documenting those changes but eliminating departments without council input needs to be discussed. Mr. Weiss stated departments are established with the budget ordinance, so creation or elimination is already done by ordinance. Mr. Heath stated it is the shuffling

and reorganization that is driving the discussion and he is working towards transparency. Mr. Rogers made a motion to approve the proposed amendment. Mr. Heath seconded. Mr. Ruiz asked for clarification. Mr. Heath stated that there were times when the engineering department were two separate divisions and then were rolled into one. He stated the overall budgets did not line up year after year because of that. He stated that elimination happened more than once and could not keep track. Mr. Weiss stated he does not disagree but it is already established in the budget ordinance and adding the two words does not change the way anything is done. Mayor Gonzales called for a vote. All voted in favor. The motion carried.

Mr. Heath read the proposed amendment for Section 4.07 to appoint a police chief. Discussion followed that it was already stated in the charter. No action taken.

Mr. Rogers read his proposed amendment to Section 4.08 to add Emergency Services. Mr. Weiss stated he thinks it is all part of the budget. Mr. Metayer asked for confirmation that nothing would keep them from doing this anyway. Ms. Stevens confirmed. Mr. Rogers stated if they already have the authority then he does not want to duplicate and withdraws the proposal.

Mr. Ruiz stated he thought about Section 3.09(c) and stated if there was something like this but better written it would have eliminated the need for the commission to create the executive assistant position. He stated the council needs some leeway as council to augment the recommendations that were provided by the commissioner. Ms. Stevens stated that right now it does not allow that in the charter but can explore the possibility of amending that to change any recommendations in certain ways and the council should be able to not accept recommendations and should be able to amend. Mr. Ruiz stated the council should also be able to have an additional worksession with the commission at the end. Mr. Metayer stated the attorney should work with Mr. Ruiz to get language.

Mr. Weiss stated he sees items that may violate state law but is not prepared to discuss those at this time.

#### **14. Discuss only**

- 14A.** [2021-0439](#) Discuss land use and economic development elements for the Aspire Pflugerville 2040 Comprehensive Plan.
- This item was discussed at the earlier worksession. There was no discussion on the item at the regular meeting.
- 14B.** [2021-0570](#) Discussion regarding the future of composting at the Central Wastewater Treatment Plant.
- Mr. Pritchett provided information about the current state of the city's composting. It is a windrow compost which is a very odorous process and the city gets complaints from neighborhoods in the area. He stated the equipment used to maintain it is expensive and aging, with the 13 year old screen at the end of its useful life. Mr. Pritchett stated that the area for the composting is very small and a lot of space is needed for an effective windrow compost operation. He provided additional detail about the sludge that goes to the

processor and information about what other cities in the state do with their composting. He stated that it is a significant capital cost to continue windrow composting and to do it correctly. Mr. Heath requested more cost information. Mr. Pritchett provided detail and answered questions from the council. Mr. Gonzales asked if being open three days a week is all we can do. Mr. Pritchett stated there may be demand, but the compost cannot be turned out and cannot create more with the space available. Mr. Weiss asked about the history of the compost program and why the city composts. Mr. Pritchett stated it was probably more budget friendly when it was a smaller operation with more space it was less intrusive. Discussion followed regarding hauling the sludge and that 90% of sludge is already going to a facility to create compost. Mr. Gonzales asked if removal of the program would put anyone out of work. Mr. Pritchett stated it would not. Ms. Breland stated that the intent was not to have the composting equipment and funds in the budget.

**14C.** [2021-0461](#)

Discuss Kelly Lane Major Investment Study (MIS).

Ms. Giannini provided a presentation regarding traffic issues on Kelly Lane at 685 stating there are no improvements that will solve the entire problem and need to look at it in a broader perspective. She introduced Rene Hurtado from DKS to give a presentation on the Major Investment Study.

Ms. Hurtado provided a summary of the study, stating the data was collected pre-COVID and a model was developed to test projects. She provided information on phases, and the model study area. Mr. Heath asked about peak hour data and if they looked at a.m. peak in addition to p.m. peak. Ms. Hurtado stated they evaluated the option, but p.m. peak hour traffic reflected the areas of concern. Ms. Hurtado discussed the 2030 timeline and the next 5-10 years of projects. Discussion followed regarding the baseline projects and project impact by reduction in congestion.

Mr. Weiss asked about cost and return on investment for the projects. Ms. Hurtado stated the cost estimates are not known yet, the first step was to look at the model. Mr. Heath asked if the projects were looked at as a whole or individually for the reduction of congestion. Ms. Hurtado stated they were looked at individually for this step of the model and that is what is currently in review. Mr. Heath and Mr. Metayer discussed with Ms. Hurtado measuring a.m. or p.m. peak hours. Ms. Hurtado stated that there are some differences between the two but p.m. peak was the bigger problem. Mr. Heath stated both a.m. and p.m. peak travel patterns impact the areas and impact what needs to be solved. Ms. Hurtado stated the goal is to create better connectivity which will benefit both a.m. and p.m. travel. Ms. Hurtado provided information on next steps of city staff evaluation of projects, finalizing recommendations, and the Tech Memo. Mr. Metayer asked when the Tech Memo will be received. Ms. Hurtado stated likely available in July. Discussion followed regarding project priorities, Mr. Metayer stating that specifics can be discussed at a future meeting.

**14D.** [2021-0574](#)

Request to place item on future agenda.

Mr. Ruiz stated all he had was to bring back the Charter amendment proposition item. No other future agenda item requests.

**15. Adjourn**

Mayor Gonzales adjourned the meeting at 11:39p.m.

Respectfully submitted,

Trista Evans  
Deputy City Secretary

Approved as submitted on June 22, 2021