



# City of Pflugerville

## Minutes - Final - Final

### City Council

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Tuesday, July 14, 2020

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting (Telephone/Video Conference)

The City Council is scheduled to hold a Worksession starting at 5:00 p.m. Please see the Worksession Agenda for a list of items for discussion at the Worksession and how to connect to the Worksession telephone/video conference meeting.

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, the City Council will conduct this Regular Meeting by telephone/video conference in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the COVID-19. There will be no public access to the location described above.

This Regular Meeting Agenda, and the Agenda Packet, are posted online at <https://pflugerville.legistar.com>

This telephonic/video meeting will be hosted through WebEx.

Meeting Link: <https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?MTID=e232dbe19a0d85c2bfd02bc2652adf9a5>

Meeting Code/Number: 146 585 1282

Dial-in number: (US toll): = +1-408-418-9388

Public comment on all items will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers must register to speak at least 2 hours in advance of the Regular Meeting. Public comment on all items will occur under the Public Comment item. Speakers must call in at least 15 minutes prior to the start of the Regular Meeting in order to speak. Written comments may also be submitted 2 hours in advance of the meeting.

To register to speak under the Public comment item or to submit written comments, please email [citysecretary@pflugervilletx.gov](mailto:citysecretary@pflugervilletx.gov) at least 2 hours in advance of the Regular Meeting.

A recording of the telephone/video meeting will be made and will be available to the public upon written request.

The meeting will be available live for viewing on PFTV on the City website: <https://www.pflugervilletx.gov/city-government/communications/pftv>

## 1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:00 p.m. The meeting was held by telephone/video conference. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. City employees attending: Sereniah Breland, City Manager; Charlie Zech, City Attorney; Trey Fletcher, Assistant City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning Director; Gwen Holford, Digital Content Web Specialist; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Amy Good, Finance Director; Stephanie Nations, Budget Analyst; Patricia Davis, City Engineer; Brandon Pritchett, Utility Director; Shane Mize, Parks and Recreation Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Bob Henderson, Financial Advisor.

## 2. Items of Community Interest

Mayor Gonzales provided information on the mandatory face mask order and limit on gatherings of 10 people. He announced that Deutschen Pfest, Chili Pfest and Music in the Park have been cancelled for this year. He indicated that COVID information is available on the City website. He announced that the City is now taking applications for members of the Equity Commission. Mr. Metayer thanked Austin Public Health and CommUnityCare for getting a new COVID testing center in Pflugerville. Mr. Heath provided information on a relative in another state that contracted COVID and cautioned the public to wear a mask.

## 3. Public Comment

Mayor Gonzales stated that registration for public comment was taken until 5:00 p.m.

Mayor Gonzales read two written public comments.

Ken Rector, Swenson Farms resident, indicated support for the passage of a bond election in November.

Brett Bowers, Fairways of Blackhawk resident, indicated concerns for an increase in the property tax rate as it will be a double hit with the property values increasing each year.

Krishna Prasad, Fairways of Blackhawk resident, was registered to speak but was unable to connect to the audio.

Tom Kost, Falcon Pointe resident, voiced concerns regarding property taxes being raised 8% when law is 3.5%.

Matt Michalak, resident of Sorento Condos, spoke regarding the lack of public spaces in Pflugerville and asked that the City Council look at what could make Pflugerville unique. He recommended to revitalize downtown, to establish a public art program and to increase spending for green space.

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Anthony Nguyen, Greenridge resident, stated that the 8% property tax increase is not legal and that SB2 provides that the City can only go to 3.5% this year. He stated that it is only a disaster when property values decline. He indicated concern for the commercial tax burden.

## Reading of the Consent Agenda

Items 6A, 6B, 7A and 7B were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

### 4. Ordinances Second Reading

- 4A. [ORD-0521](#) Approving an ordinance on second reading with the caption reading: An Ordinance repealing and replacing the Code of Ordinances of the City of Pflugerville, Texas, Chapter 96, "Streets and Sidewalks", and renaming Chapter 96 to "Right-of-Way Management", in order to administer and regulate the use of Public Rights-of-Way for the public interest, health, safety and welfare; providing for the issuance and regulation of permits; establishing fees; providing for a penalty in an amount in accordance with Code of Ordinances, Section 10.99 General Penalty, for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

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

- 4B. [ORD-0522](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville adding Section 11 Wireless Services Design for Network Nodes, Node Support Poles and Transfer Facilities to the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; Containing a savings clause; Containing a severability clause; and providing for publication and an effective date.

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

- 4C. [ORD-0529](#) Approving an ordinance on second reading as amended with the caption reading: An Ordinance amending the Code of Ordinances of the City of Pflugerville, Texas, Title XIII "General Offenses," Chapter 130, "Offenses against City Regulations," to add Section 130.12, "Obstructing Streets and Sidewalks," and 130.13, "Repair of defective sidewalks" in order to administer and regulate the use of public rights-of-way for the public interest, health, safety and welfare; providing for a penalty in an amount in accordance with Code of Ordinances, Section 10.99 General Penalty, for violation of any provision hereof; repealing all Ordinances or parts of Ordinances inconsistent or in conflict herewith; and providing for

severability and an effective date.

**The ordinance was approved as amended on second reading on the consent agenda. The ordinance will be considered on third and final reading on July 28, 2020.**

- 4D.**    [ORD-0530](#)    Approving an ordinance on second reading with the caption reading: An Ordinance amending the Code of Ordinances of the City Pflugerville, Texas, Title VII "Traffic Code," Chapter 70, "Traffic Rules," to add Section 70.03, "Braking Devices Prohibited," in order to administer and regulate traffic on City streets for the public interest, health, safety and welfare; providing for a penalty in an amount in accordance with Code of Ordinances, Section 10.99 General Penalty, for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability and an effective date.

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

- 4E.**    [ORD-0525](#)    Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville Code of Ordinances Title XV Land Usage, amending Chapter 155 Site Development, Subchapter B Central Business District, Section 155.1305 Signs by removing sign regulations; repealing and replacing Chapter 154 Signs, by adding Downtown sign regulations, reorganizing the standards for ease of use, clarifying master signage plan provisions, adding sign provisions for subdivision entrances, modifying the list of prohibited sign types, adding specific standards for sign types, and clarifying the permit application and processes; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 154, as a class C misdemeanor and a fine in an amount not to exceed \$500.00; and declaring an effective date.

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

- 4F.**    [ORD-0528](#)    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, to add Section 31.60 Establishing an Equity 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 and final reading on the consent agenda.**

- 4G.**    [ORD-0526](#)    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 approving a specific use permit for a proposed bar/tavern on an approximate 0.86-acre tract of land zoned General Business 1 district (GB1) and Downtown District Overlay (DD) located generally southwest of the N. Railroad Ave. and E. Main St. Intersection, locally addressed as 115 E. Main St, to be known as the 115 E. Main St specific use permit (SUP2004-01); providing a cumulative and repealer clause; providing for a severability clause; and providing an effective date.

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

## 5. Approval of Minutes

- 5A. [2020-8491](#) Approval of the minutes of the June 23, 2020 Worksession and Regular Meeting and June 30, 2020 Emergency Meeting.

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

## 7. Other Actions

- 7C. [2020-8504](#) Approving a Change Order in the amount of \$288,607.76 and 34 additional days for the construction contract for the Central Wastewater Treatment Plant Expansion Phase 1 Project with BAR Constructors, Inc. and authorize the City Manager to execute the same.

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

- 7D. [2020-8522](#) Approving an Economic Development Performance Agreement (EDPA) between Pflugerville Community Development Corporation (PCDC) and [Amazon.com](#) Services LLC (Project Charm), a logistics and distribution company, not to exceed \$3.8M, for off-site road infrastructure improvements, and for the purpose of creating capital investment and primary jobs.

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

## Approval of the Consent Agenda

**Mr. Heath made a motion to approve the consent agenda as read. Mr. Marsh seconded the motion. All voted in favor. The motion carried.**

## 6. Resolutions - Removed from the Consent Agenda

- 6A. [RES-0733](#) Approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas Authorizing the City Manager to Extend the Contract for Banking Services.

**Mr. Heath asked why they are doing the renewal and not going out for additional proposals. Ms. Good stated that this is the first renewal and**

indicated that the costs are reasonable. She noted that the bank is First Texas Bank. Mr. Heath made a motion to approve as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

**6B. [RES-0732](#)**

Approving a Resolution of the City of Pflugerville, Texas authorizing the Finance Director of the City of Pflugerville to direct the Travis County Tax Assessor-Collector to calculate the Voter-Approval Tax Rate of the City of Pflugerville in the manner provided for a special taxing unit due to the Governor's State-wide Declaration of Disaster in response to the COVID-19 Pandemic; and declaring an effective date.

Mr. Heath stated that he thinks that the City Manager needs to address the need for this. Ms. Breland explained that this only allows and does not set the rate, that Council will still choose the rate. She stated that they have a budget item on the agenda and they could discuss the budget needs at that time. She stated that there is some misunderstanding regarding the 8% and that it would actually be a tax rate reduction, not an increase. Council discussion followed with Ms. Breland. Mayor Gonzales stated a need to educate citizens that this lowers the tax rate. Mr. McDonald made a motion to approve the resolution. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-no, Mr. Metayer-no, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

### Other Actions - Removed from the Consent Agenda

**7A. [2020-8506](#)**

Approving a professional services supplemental agreement with Half Associates, Inc. in the amount of \$66,160.00 for professional engineering services associated with the Justice Center parking lot expansion and evidence storage facility project and authorizing the City Manager to execute same.

Mr. Weiss asked for additional information. Ms. Giannini provided information. Mr. Weiss stated concerns for the additional cost of moving the building. Ms. Giannini stated that the input from the Police Department was that the evidence storage building is a priority and it is a better location for cost savings. She explained that the original contract did not include the design of the building. Council discussion with Ms. Giannini continued. Mr. Marsh stated he wishes the City could do this process on its own. Mr. Heath stated his question is that we started with a parking lot and now it is an evidence room. He asked what the facilities plan says that we need for the Justice Center. Mr. Marsh stated that long term you would be talking about a whole lot more. He stated that this might just be an opportunity. He agreed that they need a long-term plan. Ms. Breland stated that this was identified as a most urgent need even three years ago. Mayor Pro Tem Peña stated a need to solve the need but that they need to be more pragmatic going forward in how they are addressing it. Council discussion continued with Ms. Breland. Ms. Giannini stated that it is estimated that this would provide evidence storage capacity for 10 years. Mr. Marsh made a motion to approve the item. Mr. McDonald seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

**7B. [2020-8521](#)**

Authorizing a proposal from Focused Advocacy for professional state

government advocacy and consultation services for a 24-month term from August 1, 2020 through July 31, 2022, authorizing the City Manager to execute the final agreement, in a form acceptable to the City Attorney, and directing staff to prepare a budget amendment as needed.

Mr. Marsh stated that he is not sure this is worth the money at this time. Mayor Pro Tem Peña stated that there would be a flood of bills following the November 3 elections. Mr. Marsh stated that he does not see a carve out for cities like us. Mr. Heath stated that he was not satisfied with the last session. Council discussion continued. Council discussion with Brandon Aghamalian of Focused Advocacy followed. Mr. Aghamalian stated that they could do an arrangement for a general retainer if Council desires. Mayor Pro Tem Peña stated that he thinks it would be wise to implement in this uncertain environment. Mr. Marsh recommended that the Council create a Legislative Agenda that is viable and usable by Focused Advocacy. Mr. Weiss stated that he is reluctant to move forward without a plan. Mr. Marsh asked if they could discuss again in the future. Mr. Aghamalian stated that they need to roll up their sleeves in the next 60 days and talk about the objectives. He suggested a short-term arrangement. Mr. Metayer stated that he thinks it would be a good retreat item. Mayor Pro Tem Peña asked that staff come up with a draft Legislative Agenda and activities to work from. Mayor Pro Tem Peña made a motion to approve. Mayor Gonzales seconded the motion. Mr. Heath stated that he would like to see a clause to allow the City to terminate at its convenience. Mayor Pro Tem Peña and Mayor Gonzales indicated to agree to the amendment to the motion as suggested. The vote was: Mr. Weiss-no, Mr. Marsh-no, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-no, Mayor Gonzales-yes. The motion carried.

## 8. Discuss and consider action

- 8A. [2020-8517](#) Discuss and consider action to provide direction to the City Manager regarding the allocation of CARES ACT funding to be received through an interlocal agreement with Travis County.

Mr. Heath exited the meeting at the beginning of the discussion on the item at 8:38 p.m. He returned at 8:42 p.m. Mr. Hartshorn provided information and discussed with Council. Ms. Breland provided input in the discussion. Council discussed their concerns regarding the amount of proposed funding to be allocated to the Pflugerville ISD as half of their jurisdiction is not in the City of Pflugerville. Mr. Hartshorn explained that perhaps other opportunities would come up. He stated that the recommended action (Approving the allocation of CARES Act funding received through ILA with Travis County and authorizing the City Manager to amend as necessary) is to allow the City Manager to make these adjustments. Mr. Weiss requested that it be for the highest and best use for the citizens. Mr. Marsh made a motion to approve as presented. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 8B. [2020-8518](#) Discuss and consider action to provide direction to staff regarding the preparation of propositions to be brought forward to the voters at the November 3, 2020 bond election.

Ms. Giannini provided information on the proposed projects and their costs and discussed with Council. Bob Henderson, Financial Advisor, provided

information on the financial considerations and managing the interest and sinking (I&S) tax rate and discussed with Council.

Ms. Giannini stated that staff is asking for direction tonight on the propositions to be included on the November 3, 2020 ballot. Mr. Heath stated that he thinks that they have consensus on the roads. He recommended putting those forward, so the City might have a chance to keep up. He stated that he thinks that Parks projects could be put off until another day, but he understands if they want to move forward and put those to the voters. He stated that he thinks the Recreation Center/Senior Center needs to be a separate proposition. Mayor Gonzales stated that he supports including the Recreation Center proposition and he thinks setting it apart separately is fine. Mr. Marsh stated that he concurs that it should be three separate propositions. Mr. Metayer indicated agreement. Mr. Weiss stated that it sounds like they have concurrence and are good to move forward. He asked how much capacity there is and how it looks for the tax rate. Ms. Good stated that the City could fund \$80 million in projects over the next five years without a change in the I&S rate. She stated that the average homeowner would see a monthly increase of \$7.46 for \$150 million in projects and an increase of \$12.96 per month for \$200 million in projects. Council discussion followed with Ms. Good.

Mr. McDonald asked if they want to fully fund the Main Street extension. Mr. Marsh recommended letting the citizens decide by voting on it. Mr. Heath suggested placing on the ballot as a separate proposition. Mr. Weiss stated that it would improve economic vitality but not circulation. He stated that he thinks design is appropriate at this time. Mr. Marsh indicated that was fine with him as well. He recommended that they go forward with Mr. Weiss' recommendation of design and engineering. Council discussion continued regarding the project. Mayor Gonzales recommended that they include the design and engineering and look at the construction later.

Mr. Weiss made a motion to prepare a bond election proposition for roads as listed at \$101.7 million, a proposition for parks and recreation projects as listed at \$42.3 million and a third proposition for recreation/senior center at \$47.3 million. Mr. Heath seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-no, Mayor Gonzales-yes. The motion carried.

**8C.**    [2020-8523](#)

Discuss and consider action regarding the proposed pilot for implementation of the transit development plan (TDP) and allocation of funding in the FY21 budget.

Mr. Fletcher provided information and answered questions of Council. Mr. Metayer spoke in support. Mr. Marsh indicated concerns for the long-term costs and indicated costs would grow. Council discussion continued with Mr. Fletcher. Julie Mazur, Capital Metro, provided information on the proposed pilot area and indicated the service would be curb to curb with no fixed route service. Chad Ballentine, Capital Metro, provided information on the map and stated that it would continued to be refined as the program is finalized. He stated that it would work well for the disabled. He answered Council questions. Discussion followed. Mr. Marsh asked regarding the costs. Mr. Balletine stated that it would be scalable. He stated that they like to start smaller and to be conservative. Ms. Mazur provided additional information. Mr. Weiss made a motion to approve with the addition of them building in success metrics into



the plan. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-no, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

- 8D. [2020-8503](#) Discuss and consider action to approve a Change Order with S.J. Louis in the amount of \$173,343.45 associated with the West SH 130 Wastewater Interceptor Project to complete additional public infrastructure improvements requested by the Project Charm development and authorize the city manager to execute the same.

Mayor Gonzales opened items 8D and 8E to be considered simultaneously. Ms. Davis provided information and answered questions. There was discussion. Mr. Weiss made a motion to approve 8D and 8E. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

- 8E. [2020-8395](#) Discuss and consider action to approve a Developer Reimbursement Agreement with the Project Charm Development for construction of public improvements associated with the Project Charm development and authorize the city manager to execute the same.

Mayor Gonzales opened items 8D and 8E to be considered simultaneously. Ms. Davis provided information and answered questions. There was discussion. Mr. Weiss made a motion to approve 8D and 8E. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

## 9. Discuss only

- 9A. [2020-8525](#) Discussion regarding the FY21 proposed budget.

Ms. Breland provided information on the proposed property tax rate of .4970 which is a decrease from .4976. She asked the Council if they want to approve at the 3.5 % or the 8% voter approval rate. She stated that if they would like to approve the budget at the 3.5% rate, she will need to reduce the budget by \$850,000. Mr. Weiss stated that they could go with the 8% rate either with the process or with an election. Mayor Pro Tem Peña indicated concerns and suggested approving at the 3.5%. Mr. McDonald indicated that there are other cities adopting at the 8%. Mr. Zech stated that San Marcos had adopted the resolution to go to 8% previously. Mr. Marsh noted that this would cover the cost of the unfunded mandate for taking over the traffic signals. Discussion continued. Mr. Weiss stated that he is going to trust the City Attorney in that the statute is clear and the 8% voter approval rate meets the law. Mr. Zech provided information and stated that it is legal to do because the statute provides disaster declaration as an exception. Discussion with the City Attorney followed. Mr. Weiss stated that alternatively they would be taking the 8% to the voters. Mr. McDonald stated that he attended all of the departmental budget review meetings and that some items were discussed. He stated that the budget addresses reasonable and necessary growth and only two new positions are proposed. He stated that this is a testament to staff efficiency. Mr. Weiss asked Mr. Zech regarding the 8% vs. 3.5% and confirmed the Governor's declaration provides the authority to go to 8%. There was continued discussion. Mr. Weiss indicated that he is comfortable with the budget. Ms. Good indicated that the Finance and Budget Committee will review the budget on July 23, 2020. Mr. Weiss indicated interest in paying debt down and maintaining the

I&S rate as discussed with the Financial Advisor. Mayor Pro Tem Peña indicated a need to also discuss facilities.

**10. Adjourn**

Mayor Gonzales adjourned the meeting at 10:34 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on July 28, 2020.