



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, November 12, 2019

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

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.

1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:07 p.m. Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer, Mike Heath and Jim McDonald were in attendance. Mayor Pro Tem Omar Peña was absent. City employees attending: Sereniah Breland, City Manager; Trey Fletcher, Assistant City Manager, James Hartshorn, Assistant City Manager; Charlie Zech, City Attorney; Emily Barron, Planning Director; Shane Mize, Parks and Recreation Director; Kaitlyn Neal, Special Events Coordinator; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Patricia Davis, City Engineer; Lauren Henkes, Assistant Finance Director; Jennifer Coffey, Library Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Cindy Pierce, Assistant City Engineer- CIP; Matt Woodard, Water Conservation/Regulatory Manager; Vicky Rudy, Interim Public Works Director, Aileen Dryden, Parks Development Manager; Kevin Connaughton, Human Resources Generalist.

2. Opening

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

Mayor Gonzales lead 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 lead 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

Mr. Weiss announced that Cub Scouts Troop 711 was in attendance. Mr. Metayer congratulated the Weiss High School football team in their playoff

game against Lockhart as well as the Weiss High School Band for competing in the State band competition.

4. Presentations

4A. [2019-7960](#)

Presentation of a proclamation recognizing the Pflugerville High Engineering and Robotics Team for advancing to the 2019 Texas Boosting Engineering Science and Technology (BEST) UIL State Robotics Championship.

Mayor Gonzales read the proclamation and presented it to Team PHEAR. Team PHEAR provided a demonstration of their winning robot.

4B. [2019-7988](#)

Presentation regarding City of Pflugerville water system.

Darren Strozewski, DCS Engineering, stated that ethics are being exercised correctly by the City. He provided information on the TCEQ notice of violation and reviewed the issues and the timeline. He provided information on the review and corrections made to the reporting. He spoke on the instrumentation issues, programming issues and contributor of zebra mussels in damage to the plant membranes. He discussed capacity and operations of the water treatment plant with the Council. Mr. Heath asked if the water is safe to drink. Mr. Strozewski stated yes, absolutely. There was continued discussion. Ms. Breland spoke on the third party assessment and development of Standard Operating Procedures (SOPs) and staffing efforts made to bring the water plant to a level that it was not at previously. Mayor Gonzales stated that it is fortunate and unfortunate that these issues were uncovered and that he thinks that staff is moving in the right direction.

Mayor Gonzales called for Doris Williams, 18603 Mammoth Cave Boulevard, who had signed up to provide public comment regarding concern for the TCEQ violation and the water system. Ms. Williams was not in attendance.

5. Public Hearing and Ordinance First Readings

5A. [ORD-0490](#)

Conduct a public hearing and consider approving an annexation ordinance on first reading with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 249.55 acres of land situated in the Sefrin Eiselin Survey No. 4, Abstract No. 265, in Travis County, Texas, of the Real Property Records of Travis County, generally located north of E. Pecan Street, west of SH 130, and south of E. Pflugerville Parkway; extending the boundaries of the City to include the land; and to be zoned Agriculture / Development Reserve (A); to be known as the E. Pecan Street 2019 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date. (ANX1909-02)

Mayor Gonzales opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Ms. Barron provided information. There were no requests to speak at the public hearing. Mr. Heath

made a motion to close the public hearing. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve the ordinance on first reading as presented. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

6. Public Comment

Doris Williams, 18603 Mammoth Cave Boulevard, signed up to provide public comment regarding concern for the TCEQ violation and the water system. Ms. Williams was not in attendance

There were no additional requests to speak under the public comment item.

Reading of the Consent Agenda

An amended resolution for item 10C was provided on the dais. Items 8B, 10D, 11A, 11E, 11F and 11I were removed from the consent agenda. Ms. Thompson read the items the items along with the captions of the ordinances under consideration.

7. Approval of Minutes

- 7A. [2019-7959](#) Approval of the minutes of the October 22, 2019 Worksession and Regular Meeting and October 28, 2019 Worksession.

The minutes were approved on the consent agenda.

8. Ordinances First Reading

- 8A. [ORD-0491](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending the City's Code of Ordinances Title III, Chapter 33 by repealing Section 33.01.(City Credit Card)

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

9. Ordinances Second Reading

- 9A. [ORD-0487](#) Approving an ordinance on second reading with the caption reading: An ordinance amending the City of Pflugerville, Texas Code of Ordinances, Chapter 95, Parks and Recreation, Park Regulations, Section 95.02 Definitions, by adding a definition for camping.

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

- 9B. [ORD-0489](#) Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, amending Chapter 111,

Peddlers and Solicitors, of the Code of Ordinances of the City of Pflugerville, Texas, by adding an exception for lemonade stands and adding a definition for arterial roadway; establishing a penalty of not more than \$500 per violation per day; and providing for severability and an effective date.

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

9C. [ORD-0485](#)

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 the North half of lots 13, 14, 15, 16, 17, & 18, of Block 7 out of the original Pflugerville subdivision, from Single-Family Suburban (SF-S) to Office (O) District; to be known as Juarez Commercial Rezoning (REZ1908-02); 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.

10. Resolutions

10A. [RES-0626](#)

Approving the resolution providing a one-year extension to the Wholesale Wastewater Service Agreement between the City of Hutto and Kelly Lane Utility Company Dated June 9, 1999; Assumed by the City of Pflugerville in December 2002 and amending terms and authorizing the City Manager to execute same.

The resolution was approved on the consent agenda.

10B. [RES-0636](#)

Approving a resolution approving personnel policies in accordance with the City Charter.

The resolution was approved on the consent agenda.

10C. [RES-0675](#)

Approving a resolution adopting the Americans with Disabilities Act (ADA) ADA Coordinator and procedures.

The resolution was approved on the consent agenda.

11. Other Actions

11B. [2019-7958](#)

Approve the award of a bid for valve and hydrant maintenance with R&M Service Solutions in the amount of \$140,000 and authorize the City Manager to execute a standard governmental contract and purchasing rider for same.

The item was approved on the consent agenda.

- 11C.** [2019-7961](#) Approving the Pflugerville Community Development Corporation (PCDC) FY20 Fund Reserve and Budget Policy and Public Funds Investment Policy.
- The item was approved on the consent agenda.
- 11D.** [2019-7970](#) Approving the selection of LJA Engineering, Inc., Lockwood, Andrews & Newnam, Inc. (LAN), THC, Inc., Cobb, Fendley & Associates, Inc. and Seven Arrows Land Staff to provide On-Call Right of Way Services and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.
- The item was approved on the consent agenda.
- 11G.** [2019-7976](#) Authorizing the City Manager to approve the purchase and installation of four (4) pumps for the Weiss Lane Lift Station from Precision Pump Systems in the amount of \$179,000.00 utilizing the Texas Association of School Boards (TASB) cooperative purchasing contract (BuyBoard).
- The item was approved on the consent agenda.
- 11H.** [2019-7599](#) Authorizing the City Manager to execute a purchasing agreement with Vortex for the furnishing and installation of a splash pad for the Stone Hill Park project in the amount of \$250,097.50.
- The item was approved on the consent agenda.

Action on the Consent Agenda

Mayor Gonzales made a motion to approve the consent agenda. Mr. Weiss seconded the motion. Mr. McDonald was absent from the dais and did not participate in the vote. All others voted in favor. The motion carried.

Ordinances First Reading - Removed from the Consent Agenda

- 8B.** [ORD-0492](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville amending Section 4 of the 2014 Engineering Design Manual and Construction Standards, replacing all engineering and construction standards in conflict; containing a severability clause; and providing for publication and effective date.
- Ms. Pierce introduced Jay Scanlon, Freese and Nichols, to present on the recommended changes to the design manual.
- Mr. Scanlon provided information on Atlas 14 and differences in rainfall in Pflugerville and Austin. Mr. Weiss asked what it would mean in character of development and asked what the practical impact is.
- Mr. Scanlon stated that it will vary and for street drainage, it will not have a large impact, maybe additional inlets or larger pipe. He stated for ponds, it is not usually impacted. He stated that overall there will be some impact, but not

a lot, nothing dramatic.

Ms. Pierce stated that the development community has been very receptive and they have been coming to the City asking for it.

Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

Resolutions - Removed from the Consent Agenda

- 10D. [RES-0669](#)** Approval of a resolution with a caption reading: Resolution continuing a public hearing on the creation of a Tax Increment Reinvestment Zone (TIRZ) Number Two to include NorthPointe West Development and the Downtown Area.
- Mr. Heath recused himself from the item due to a potential conflict of interest related to his company, Alliance Transportation, doing business with the NorthPointe development. Mr. Marsh made a motion to approve the resolution. Mr. Metayer seconded the motion. Mr. Heath abstained. All others voted in favor. The motion carried.**

Other Actions - Removed from the Consent Agenda

- 11A. [2019-7760](#)** Approving a professional expense reimbursement agreement by and between the City of Pflugerville and Lakeside Meadows Development and authorizing the City Manager to execute the agreement.
- Mr. Metayer made a motion to approve the item. Mr. Marsh seconded the motion. All voted in favor. The motion carried.**
- 11E. [2019-7972](#)** Approving the selection of CBRE, Inc., Kokel-Oberrender-Wood Appraisal, Ltd., and National Valuation Group, Inc. to provide On-Call Appraisal Services and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.
- Ms. Davis provided information on the selection process. Mr. Heath made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.**
- 11F. [2019-7973](#)** Approving an agreement with Manville Water Supply Corporation (WSC) for acquisition of water Certificates of Convenience and Necessity (CCN) areas within the city limits and authorizing the City Manager to execute same.
- Mr. Fletcher stated that an amended agreement has been provided on the dais. He reviewed the changes to the proposed agreement and the areas to be included. Discussion followed. Mr. Metayer made a motion to approve the agreement as amended. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.**
- 11I. [2019-7917](#)** Approving a professional services agreement with Plus Six Engineering,

LLC in the amount of \$2,954,744.00 to provide owner representative services associated with the Central Wastewater Treatment Plant Expansion Phase 1 Project and authorizing the City Manager to execute same.

Mr. Heath stated that there was lengthy discussion at the last meeting and Mr. Weiss had a question of where the money is coming from. Ms. Davis stated following the last meeting, the fees were revisited and they have been reduced by \$166,176. Ms. Davis and Matt Vine, Plus 6 Engineering, answered questions. Council discussion followed. Mr. Metayer made a motion to approve the item. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

12. Discuss and consider action

- 12A.** [2019-7957](#) Discuss and consider action to approve the appointment of Bonita Hall as People + Culture (formerly known as Human Resources) Director.
- Ms. Breland introduced Bonita Hall. Ms. Hall provided an introduction and answered questions of Council. Mr. Marsh made a motion to approve the appointment of Ms. Hall as P+C Director. Mr. Weiss seconded the motion. All voted in favor. The motion carried.
- 12B.** [2019-7974](#) Discuss and consider action to implement near-term (2020) recommendations 1) restricting turns for the Kelly Lane at Vilamoura intersection and 2) installation of a traffic signal at Kelly Lane/Jakes Hill intersection. A combination of both improvements was recommended as necessary solutions for addressing the traffic safety and operations as public concerns.
- Ms. Davis provided information and answered questions of the Council. Ms. Davis recommended to implement left turn restrictions improvements at Vilamoura at a cost of \$20,000 combined with the installation of a Temporary Traffic Signal at Jakes Hill at a cost of \$200,000. Mr. Heath stated that he thinks there are ways to accelerate the project and to still place permanent poles. Discussion followed. Mr. McDonald made a motion to approve the implementation of the recommended temporary poles and no left turn plan. Mr. Weiss seconded the motion. Discussion followed. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.
- 12C.** [2019-7978](#) Discuss and consider action regarding a future City Council Special Meeting date, location and topics.
- There was Council discussion on the item with Ms. Breland. Mr. Weiss indicated that he liked the Lean Coffee facilitator. Mr. Heath indicated that he would like possible action items for budget prioritization. Mr. McDonald made a motion to hold a worksession on January 10, 2020 within the hours of 8:00 a.m. and 5:00 p.m. using the services of a facilitator for a Lean Coffee discussion with each Councilmember bringing topics to organically prioritize for alignment with the City's strategic vision. Mr. Weiss seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-no, Mr.

McDonald-yes, Mayor Gonzales-yes. The motion carried.

12D. [2019-7996](#)

1.) Executive Session Item: Pursuant to Section 551.071 of the Texas Local Government Code- Consultation with Attorney regarding Cause No. D-1-GN-18-001908; City of Pflugerville v. 735 Henna, LLC. 2.) Open Session Item: Discuss and consider action regarding Cause No. D-1-GN-18-001908; City of Pflugerville v. 735 Henna, LLC.

The item was discussed in executive session during the earlier worksession. There was no discussion or action on the item during the regular meeting.

Executive Session

Mayor Gonzales announced that the City Council was retiring to executive session on items 12E and 12F. He read the items and retired to executive session. The time was 9:52 p.m.

12E. [2019-7977](#)

1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding an Economic Development Performance Agreement (EDPA) between Pflugerville Community Development Corporation (PCDC) and RNDC Texas, LLC (Project Cedar) for the purpose of infrastructure and primary job grants. 2.) Open Session Item: Discuss and consider action to approve an Economic Development Performance Agreement (EDPA) between PCDC and RNDC Texas, LLC (Project Cedar) for the purpose of infrastructure and primary job grants.

Discussion on the item took place in executive session. Action took place on the item later in the meeting.

12F. [2019-7987](#)

1.) Executive Session Item: Deliberations regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, transfer and/or sale of real property related to the West SH130 Wastewater Interceptor Phase 1 and Phase 2 projects. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to execute conditional purchase agreements, easement purchase agreements and associated conveyance documents between The Timmerman & Hagn Ltd. for Wastewater Line Easements and Temporary Construction Easements (TCE's) - Parcels 2, 4, 5, 6, 7 and 10, The Timmerman Farms, Ltd. for Wastewater Line Easement and TCE, Parcel 11, The Hagn & Timmerman Ltd. for Buffer Zone Easement, Parcel 8, and The Hagn & Timmerman Ltd. for Wastewater Line Easement, Laydown area/TCE and Water Line Easement. Parcel 8 and the City of Pflugerville as necessary to acquire real property interests for the West SH130 Wastewater Interceptor Phase 1 and Phase 2 projects generally located along Wilbarger Creek between the Central Wastewater Treatment Plant and East Pflugerville Parkway.

Discussion on the item took place in executive session. Action took place on the item later in the meeting.

Executive Session - Closed

Mayor Gonzales reconvened in open session at 10:23 p.m.

12E. [2019-7977](#)

1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding an Economic Development Performance Agreement (EDPA) between Pflugerville Community Development Corporation (PCDC) and RNDC Texas, LLC (Project Cedar) for the purpose of infrastructure and primary job grants. 2.) Open Session Item: Discuss and consider action to approve an Economic Development Performance Agreement (EDPA) between PCDC and RNDC Texas, LLC (Project Cedar) for the purpose of infrastructure and primary job grants.

Mr. Heath made a motion to approve the agreement as presented. Mr. McDonald seconded the motion. All voted in favor. The motion carried. Amy Madison, PCDC Executive Director, introduced Vic Brooks, RNDC VP Central Texas and Tom Duvall, Jr., Altus. Ms. Madison provided information.

12F. [2019-7987](#)

1.) Executive Session Item: Deliberations regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, transfer and/or sale of real property related to the West SH130 Wastewater Interceptor Phase 1 and Phase 2 projects. 2.) Open Session Item: Discuss and consider action to authorize the City Manager to execute conditional purchase agreements, easement purchase agreements and associated conveyance documents between The Timmerman & Hagn Ltd. for Wastewater Line Easements and Temporary Construction Easements (TCE's) - Parcels 2, 4, 5, 6, 7 and 10, The Timmerman Farms, Ltd. for Wastewater Line Easement and TCE, Parcel 11, The Hagn & Timmerman Ltd. for Buffer Zone Easement, Parcel 8, and The Hagn & Timmerman Ltd. for Wastewater Line Easement, Laydown area/TCE and Water Line Easement. Parcel 8 and the City of Pflugerville as necessary to acquire real property interests for the West SH130 Wastewater Interceptor Phase 1 and Phase 2 projects generally located along Wilbarger Creek between the Central Wastewater Treatment Plant and East Pflugerville Parkway.

Mr. Metayer made a motion to approve as written. Mr. Marsh seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. McDonald-no, Mayor Gonzales-no. The vote was tied 3 to 3. The motion failed.

13. Adjourn

Mr. Heath made a motion to adjourn. Mr. McDonald seconded the motion. All

voted in favor. The motion carried. The meeting was adjourned at 10:28 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on November 26, 2019.