



City of Pflugerville

Minutes - Final - Final

City Council

Tuesday, August 11, 2020

7:00 PM

100 East Main Street, Suite 500

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=e87a0ab312fb2453bed5f0cbb5b45c67f>

Meeting Code/Number: 146 801 4667

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

Public comment under Public Hearing items will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers under Public Hearing items must register to speak at least 2 hours in advance of the Regular Meeting. 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.

Public comment on all items other than Public Hearing 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 other than Public Hearing 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 or to submit written comments, please email 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 took place as a telephone/video conference. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Jeff Marsh, Rudy Metayer and Jim McDonald were in attendance. Councilmember Mike Heath joined the meeting at 7:57 p.m. 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; Gwen Holford, Digital Content Web Specialist; Maggie Holman, Public Information Officer; Wade Maness, Videography Multimedia Specialist; Amy Good, Finance Director; Lauren Henkes, Assistant Finance Director; Stephanie Nations, Budget Analyst; Shane Mize, Parks and Recreation Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Patricia Davis, City Engineer; Emily Barron, Planning Director; Richard Donoghue, Bond Counsel; Bob Henderson and Dusty Traylor, Financial Advisors.

2. Items of Community Interest

Mayor Gonzales provided reminders to wear a face mask, maintain six feet of social distancing and to limit gatherings to 10 people or less in compliance with State and County orders. He announced that the City reopened the trail at Lake Pflugerville yesterday and resumed curbside pick up at the library today. He announced that Pflugerville Animal Welfare Services now has hours seven days a week. He announced that the City has partnered with the Pflugerville Community Development Corporation (PCDC) and Pflugerville Chamber of Commerce to launch the Pflugerville Cares Small Business grant program. Mr. Metayer thanked the Pflugerville ISD for working with teachers and parents and wished them good luck in the launch of the new school year. He provided information on a justice caravan this Saturday. He thanked Pat McCord for bringing the Fallen Warrior Memorial to the City's attention. Mr. McDonald thanked the Pflugerville ISD for continuing to host the COVID testing site at the Pfield.

3. Public Hearing and Resolutions

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

- 3A. [RES-0731](#) Conduct a second public hearing and consider approval of a resolution regarding the Community Development Block Grant (CDBG) Annual

Action Plan for Program Year 2020.

Mayor Gonzales opened the public hearings and consideration of items 3A and 3B. Ms. Barron provided information. Mayor Gonzales announced that registration to speak at the public hearings was taken until 5:00 p.m. today and there were no requests to speak.

- 3B. [RES-0740](#)** Conduct a public hearing and consider approving the resolution adopting a Community Development Block Grant (CDBG) Amended Citizen Participation Plan.

Mayor Gonzales opened the public hearings and consideration of items 3A and 3B. Ms. Barron provided information. Mayor Gonzales announced that registration to speak at the public hearings was taken until 5:00 p.m. today and there were no requests to speak.

- 3A. [RES-0731](#)** Conduct a second public hearing and consider approval of a resolution regarding the Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2020.

Mr. Metayer made a motion to close the public hearing on item 3A. Mr. Marsh seconded the motion. Mr. Heath was absent from the meeting and did not vote. All others voted in favor. The motion carried.

Mr. Weiss made a motion to approve the resolution approving the CDBG Annual Action Plan for Program Year 2020. Mr. McDonald seconded the motion. Mr. Heath was absent and did not vote on the item. All others voted in favor. The motion carried.

- 3B. [RES-0740](#)** Conduct a public hearing and consider approving the resolution adopting a Community Development Block Grant (CDBG) Amended Citizen Participation Plan.

Mr. McDonald made a motion to close the public hearing on item 3B. Mr. Metayer seconded the motion. Mr. Heath was absent from the meeting and did not vote. All others voted in favor. The motion carried.

Mr. Weiss made a motion to approve the resolution adopting the CDBG Amended Citizen Participation Plan. Mr. McDonald seconded the motion. Mr. Heath was absent and did not vote on the item. All others voted in favor. The motion carried.

4. Public Hearing

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

- 4A. [ORD-0534](#)** Conduct a public hearing on an ordinance with the caption reading: An Ordinance of the City of Pflugerville, Texas, Adopting the Fiscal Year 2021 Budget for the City of Pflugerville, Texas.

Ms. Good and Meredith Quick, Chair of the Finance and Budget Committee, provided information and discussed with Council. Ms. Breland also provided input. Mayor Gonzales stated that registration for public comment at the public hearing was taken until 5:00 p.m. today and there were no requests to speak.

Mr. Marsh made a motion to close the public hearing. Mayor Gonzales seconded the motion. Mr. Heath was absent and did not vote. All others voted in favor. The motion carried.

5. Public Comment

Mayor Gonzales announced that request for public comment was taken until 5:00 p.m. today and that he had received several written public comments. He read the comments.

Bob Reichenbach, Saxony resident, asked that the Council vote against items 4A, 6A and 13A.

Jonathan Coffman, Heatherwilde resident, stated support for the tax rate and investment levels of various departments being proposed. He stated that he thinks it is important to properly fund city services to ensure we can keep up with the growth.

Tina Heine, Saxony resident, voiced concern for the proposed tax rate and taxing citizens out of Pflugerville. She asked for more city code violations like no campers in driveways or backyards.

PT Ludwig, Swenson Farms resident, asked that they not use the coronavirus to force higher taxes on the residents.

Cynthia Ludwig, Swenson Farms resident, stated that if taxes are raised they may have to consider moving and that taxes are already too high. She stated that people are already struggling due to the coronavirus.

Mike Loeffler, Hidden Lake resident, asked the Council not to raise the property taxes.

David and Donna Dunagan, Highland Park North residents, stated concerns for crime, high water bills and increased taxes.

Jessica Crisler, Highland Park North resident, stated opposition to the new proposed tax rate.

Terry Newsom, Settler's Ridge resident, stated that it seems that the Council is trying to cash in on the pandemic simply because of a badly worded loophole in the state law passed in 2019. He stated that the intent of SB2 is a 3.5 percent cap with the exception of valid emergencies that put a drain on local resources. He stated that the city's sales tax revenue is up over 14% over last year, record property values have been added to the tax rolls and the City has realized savings by scaling back services. He stated that the taxpayers need real tax relief.

Cindy Nelson, Windermere resident, stated that jacking taxes up and using COVID as an emergency declaration is wrong. She stated if this unchecked spending keeps up, she will have to look for somewhere else to live.

Mayor Gonzales announced that he had two requests to speak under public comment.

Anthony Nguyen, Greenridge resident, stated that the Council should respect the state law and not go above the 3.5%. He stated that to adjust this in the budget, the Council could consider increasing revenues with reserve funds and cutting the traffic signal takeover.

Dennis Warne, Club at Wells Point resident, stated that it might be legal to vote for the upper 8% but it is not moral. He indicated concerns that staying inside is not healthy. He spoke regarding total debt concerns. He asked that the Council stop taxing them so much.

6. Resolution

6A. [RES-0744](#)

Discuss and consider action to approve a resolution specifying a proposed maximum FY21 property tax rate and scheduling the date for the public hearing.

Mr. Metayer indicated concerns for going above the 3.5% increase in operating revenues when they still have the ability to cover costs with the fund balance. Mayor Pro Tem Peña asked what the property tax rate would be at the 3.5%. Ms. Breland indicated .4863. Ms. Breland spoke on the fund balance and there was Council discussion. Council discussed cuts that could be made to the budget with Ms. Breland. Ms. Breland recommended to consider a combination of three approaches: 1. to remove items from the budget that are one-time hits such as transit and the Police Department shooting range system replacement, 2. to increase projected revenues, and 3. to reduce fund balance. Council discussion with Ms. Breland continued with input from Ms. Good.

Mr. Marsh made a motion to remove the transit program from the FY21 proposed budget. Mayor Pro Tem Peña seconded the motion. The vote was: Mr. Weiss-no, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-no, Mr. Heath-no, Mr. McDonald-no, Mayor Gonzales-yes. The motion failed.

Mr. Marsh made a motion to remove the parks master plan from the FY21 proposed budget in the amount of \$150,000. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to lower the merit increase to 2% in the FY21 proposed budget. Mr. Heath indicated in the General Fund. Mr. Metayer seconded the motion. There was discussion. 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-no. The motion failed.

Mr. Weiss made a motion to remove the shooting range system from the FY21 proposed budget in the amount of \$100,000. Mr. McDonald 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.

Ms. Breland recommended using fund balance and increasing the sales tax projections for the remaining portion. There was continued discussion.

Ms. Breland recommended a \$200,000 fund balance transfer for the remaining portion. Mayor Pro Tem Peña stated to so move. Mr. Metayer 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-no, Mayor Gonzales-yes. The motion carried.

Mr. Weiss made a motion to approve the resolution at a 3.5 % increase in operating revenues. Mr. McDonald seconded the motion. All voted in favor. The motion carried.

Ms. Breland asked that the City Council adopt the resolution with the corresponding property tax rate of .4863. Mayor Pro Tem Peña made a motion to approve with the property tax rate of .4863. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

There was continued Council comments and discussion.

Mayor Gonzales announced that the City Council would hold a public hearing and consider adoption of the tax rate at the regular meeting on August 25, 2020 at 7:00 p.m.

First Supplemental Agenda

1. Resolutions

- 1A. [RES-0734](#) Resolution ordering a General Election for November 3, 2020 for the election of Councilmembers Place 2, Place 4 and Place 6.

Mayor Gonzales introduced the item to approve the resolution ordering a November 3, 2020 General Election. Mr. Heath made a motion to approve the resolution. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 1B. [RES-0743](#) Resolution ordering a November 3, 2020 special bond election.

Ms.Giannini reviewed the proposed bond propositions and provided information. Mr. McDonald made a motion to approve the resolution. Mr. Metayer seconded the motion. Mayor Pro Tem Peña was absent from the meeting and did not vote on the item. All others voted in favor. The motion carried.

Reading of the Consent Agenda

Items 7A and 11A were removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

8. Ordinances Second Reading

- 8A. [ORD-0532](#) 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 41.31 acres, of unplatted land out of the Austin A. Survey 19, Abstract NO. 38, and the Zambrano J. Survey 38, Abstract NO. 844, in Travis County, Texas, from Agriculture/Development Reserve (A) District to Single Family

Residential (SF-R) District; to be known as the Enclave at Cele rezoning (REZ2006-01); 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-0533](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, authorizing the lease agreement between the City of Pflugerville and Cellco Partnership DBA Verizon Wireless for City land located at 901 Old Austin-Hutto Road; 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.** [2020-8571](#) Approval of the minutes of the July 28, 2020 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

10. Resolutions

- 10A.** [RES-0741](#) Approval of a resolution setting a public hearing to discuss and review the Roadway Impact Fee Study Capital Improvements Plan and Land Use Assumptions.

The resolution was approved on the consent agenda.

- 10B.** [RES-0742](#) Approving a resolution authorizing the filing of an application for assistance from the Texas Water Development Board (TWDB) Clean Water State Revolving Fund (CWSRF) Loan Program for the Wilbarger Creek Regional Wastewater Treatment Facility and wastewater interceptors and authorizing a designated City representative for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the TWDB.

The resolution was approved on the consent agenda.

- 10C.** [RES-0695](#) Approving a resolution terminating the current Multiple Use Agreement with the Texas Department of Transportation (TxDOT) affiliated with the FM 685 and FM 1825 sidewalks.

The resolution was approved on the consent agenda.

Action on the Consent Agenda

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

7. Ordinances First Reading

- 7A. [ORD-0535](#) Approving an ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Adopting the Pflugerville Fee Schedule; Amending Certain Fees and Establishing Costs and Fees Charged by the City of Pflugerville; Providing for a Penalty for a Violation of Section 10.99 of the City Code of Ordinances; and Declaring an Effective Date (FY21 Fee Schedule).

Mayor Gonzales read the item to include the caption of the ordinance under consideration. Mr. Weiss indicated that he thinks that the parks non-resident fees are low. Ms. Good stated that the Parks Department prepared the proposals and she believes that they looked at surrounding cities and some are not charging a different rate. Ms. Breland confirmed that staff had done a comparison of fees in the region. Council discussion followed. Mr. McDonald made a motion to approve the ordinance on first reading as amended to increase non-resident parks fees from 25% to 50% over resident fees. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

11. Other Actions - Removed from the Consent Agenda

- 11A. [2020-8500](#) Approving a second amendment to the employment agreement between Sereniah Breland and the City of Pflugerville to amend the agreement to end on August 19, 2023.

Mr. Heath requested a renegotiation of the contract. He stated that he would like to include performance metrics. Council discussion followed. Mr. Weiss made a motion to approve the second amendment to the agreement as presented. Mr. McDonald seconded the motion. The vote was: Mr. Weiss-yes, Mr. Marsh-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-no, Mr. McDonald-yes, Mayor Gonzales-yes. The motion carried.

12. Discuss only

- 12A. [2020-8572](#) Status report and discussion regarding the Pflugerville Cares small business grant program and Pflugerville Pfund small business emergency grant program and small business financial assistance.

Shontel Mays, Pflugerville Chamber of Commerce, provided an update on the Pflugerville Pfund small business emergency grant program. Amy Madison, Pflugerville Community Development Corporation and Rosa Rios Valdez, BCL of Texas, provided an update on the Pflugerville Cares small business grant program.

13. Discuss and consider action

- 13A. [2020-8543](#) Discuss and consider action to approve a Change Order in the amount of

\$56,468.40 and 135 additional days for the construction contract for the Wilbarger Creek Park Project with QA Construction Services, Inc. and authorize the City Manager to execute the same.

Ms. Giannini reported on the issue of poor management of the project by the City's project manager. She stated that additional discussions with the contractor had resulted in a decrease of \$32,650 in the change order with the removal of the limestone wall-block adjustments. She answered questions of Council. Mr. Heath made a motion to approve as presented. Mayor Pro Tem Peña second the motion. All voted in favor. The motion carried.

14. Discuss only - Executive Session

- 14A.** [2020-8570](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Manager.

Discussion on the item took place in the earlier worksession. There was no discussion on the item at the regular meeting.

15. Adjourn

Mayor Gonzales adjourned the meeting at 10:07 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as presented on August 25, 2020.