



# City of Pflugerville

## Minutes - Final

### City Council

---

Tuesday, September 14, 2021

7:00 PM

100 East Main Street, Suite 500

---

#### 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 Victor Gonzales called the meeting to order at 7:00pm. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Ceasar Ruiz, David Rogers, and Mike Heath were in attendance. Councilmember Rudy Metayer joined at 7:03pm.

City Staff in attendance: Sereniah Breland, City Manager; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Charles Zech, City Attorney; Trista Evans, City Secretary; Patricia Davis, City Engineer; Nicole Little, Business Process Analyst; Jennifer Coffey Griswold, Library Director; Brandon Pritchett, Utility Director; Jason Smith, Assistant Police Chief; Maggie Holman, Public Information Officer; Jeremy Frazzell, Assistant Planning Director; Evan Groeschel, Operations Director; Emily Barron, Planning and Development Services Director; Melissa Moore, Finance Director; Cody Collins, Information and Technology Director.

#### 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 announced that there is a COVID-19 vaccine clinic at the

library with the next clinic on September 22 from 2-7pm.

Mayor Gonzales announced that volunteers are needed for Deutschen Pfest and sign up information can be found at [deutschenpfest.com](http://deutschenpfest.com)

Mayor Gonzales announced that the Youth Advisory Council is beginning in October and the city is accepting applications. He encouraged high school students to apply for the program.

Mr. Weiss recognized Amazon employees who spent 680 volunteer hours cleaning up Gilleland Creek and collected over 2,000 pounds of garbage.

#### 4. Presentation

- 4A. [2021-0987](#) Proclamation recognizing the Texas Association of Magicians' annual magic convention which was held in the City of Pflugerville.

Mayor Gonzales read the proclamation recognizing the Texas Association of Magicians' annual magic conference which was held in Pflugerville.

- 4B. [2021-0952](#) Presentation from Capital Metropolitan Transit Authority (CMTA) regarding Pflugerville transit pilot program.

Ms. Barron introduced the item and provided some background information. Julie Mazur with Capital Metropolitan Transit Authority gave a presentation and answered questions from council regarding ride share and community outreach. Ms. Mazur discussed the transit development goals. Mayor Pro Tem Peña asked about distance for each trip and calculating cost by the mile. Ms. Mazur stated she would see what information they can get about related to distance and discussed metrics. Mr. Metayer asked if Capital Metro had any projections about how the opening of Amazon would impact rides. Ms. Mazur stated they are also waiting to see how that would impact. Discussion followed regarding the trip map and Ms. Mazur stated she would see what information they can run as it relates to demographics of riders and specific points of interest.

#### 5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0606](#) Conduct a public hearing and consider action to approve an ordinance on first and final reading with the caption reading: Master ordinance establishing the City of Pflugerville, Texas Utility System Revenue Financing Program.

Mayor Gonzales opened items 5A. and 5B. at the same time, he read the items and opened the public hearings. Ms. Moore provided some background information and introduced bond counsel Richard Donoghue and Dusty Traylor, financial advisor. Mr. Donoghue and Mr. Traylor provided information on the process, explaining the differences between the way the city used to process and answered questions from council. Mr. Traylor stated that using this process through the Texas Water Development Board results in \$1.6 million savings a year. Mayor Gonzales asked if the option had been around for a while. Mr. Traylor stated this is the standard way for cities to process this. There were no requests to speak under the public hearing.

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

Mr. Weiss made a motion to approve the ordinance. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**5B.** [ORD-0604](#)

Conduct a public hearing and consider action to approve an ordinance on first and final reading with the caption reading: First supplemental ordinance to the Master Ordinance establishing the City of Pflugerville, Texas Utility System Revenue Financing Program.

There were no requests to speak under the public hearing.

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

Mr. Heath made a motion to approve the ordinance as presented. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**6. Public Comment**

Jim McDonald, Great Sand Dunes, stated that council passed the code of conduct on June 11, 2019 and referenced section 21 regarding endorsing a ballot initiative or candidate. Mr. McDonald stated a post card was received which included Mayor Pro Tem Peña endorsement of Mike Heath with his title used. Mr. McDonald stated that Mayor and council have a right to intervene and issue sanctions for violating the code of conduct.

**Discuss and Consider Action**

**15G.** [2021-0888](#)

1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding appointment of Police Chief. 2.) Open Session Item: Discuss and consider action to approve the appointment of Jason O'Malley as Police Chief.

Mayor Gonzales announced that council would be addressing item 15G. He read the item and announced that council was retiring to executive session at 7:57pm. Mayor Gonzales reconvened in open session at 8:20pm.

Mr. Metayer stated he was impressed with the process and impressed with the support for the finalist shown by the community. Ms. Breland provided information on the process to come to the final selection, including a list of criteria that was stated to be important in the selection. Mr. Weiss stated it is unusual to see an internal candidate rise to the top, and he is excited to see what is to come. Mr. Heath stated the crowd in attendance shows the support the community has for Commander O'Malley. Mayor Gonzales stated he has been through the process with two other police chiefs and has always had a good relationship with the police department. He stated he is looking forward to Commander O'Malley executing the leadership in the position. Ms. Breland thanked Jason Smith for stepping as Acting Police Chief during this time. Mr. Heath thanked the law enforcement present for the commitment to keeping the community safe.

Mr. Weiss made a motion to approve the appointment of Commander Jason O'Malley as Police Chief. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Mayor Gonzales announced the council was in recess at 8:30pm. Mayor Gonzales reconvened in open session at 8:37pm.

## 7. Ordinance First Reading

- 7A. [ORD-0596](#) Discuss and consider an ordinance on first 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 an approximate 16.759-acre tract of land, roughly 11 tracts of land, out of the Peter Conrad Survey No. 71, Abstract No. 200, in Pflugerville, TX from General Business 2 (GB2) District, General Business 1 (GB1) District, and Light Industrial (LI) District to Single-Family Mixed-Use (SF-MU) District; to be known as the 18516 N Heatherwilde Rezoning (REZ2106-04); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. Generally located southwest of the New Meister Lane and North Heatherwilde Boulevard intersection.

Mayor Gonzales read the item and opened it for discussion. Mr. Frazzell provided background on the item which was previously brought to the August 24th council meeting. Applicant Rita Keepers and developer representatives provided additional information and answered questions from council. Discussion followed regarding zoning designation and next steps. Mr. Frazzell stated platting would go through the Planning and Zoning Commission when ready. Mr. Ruiz asked about adjustments to the roads. Mr. Frazzell stated that is something that can be proposed and reviewed from the subdivision process. Mr. Heath asked how the city is going to continue to take care of current residents with the rezonings. Mr. Frazzell stated the zoning designation allows for some commercial components.

Mr. Weiss made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. Mr. Heath voted no. All others voted yes. The motion carried.

## Reading of the Consent Agenda

Ms. Evans read the consent agenda with the following items pulled: 11A., 11C., 12A., 12B., 12C., 12D., 12E., and 12F.

## 8. Ordinance First Reading

- 8A. [ORD-0603](#) Approving an Ordinance on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Granting the use of City Property by Easement totaling approximately 0.055 Acres (2,384 Square Foot) of land out of the T.S. Barnes Survey No.46, Abstract No. 267 in

Travis County, Texas; Being a portion of that called 19.00 Acre Tract of Land Described in Warranty Deed to the City of Pflugerville, Texas Recorded In Volume 9236, Page 962 of the Real Property Records of Travis County, Texas Said 0.055 Acre (2,384 Square Foot) parcel. (Oncor Easement at the Central Wastewater Treatment Plant)

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

## 9. Ordinances Second Reading

- 9A.** [ORD-0595](#) 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 an approximate 96.341-acre tract of land, out of the William Caldwell Survey No. 66, Abstract No. 162, in Pflugerville, TX from Agriculture/Development Reserve (A) District, to Planned Unit Development (PUD) District; to be known as the Cameron 96 PUD Rezoning (REZ2101-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. Generally located east of SH 130 and west of 1849 Park.
- The ordinance was approved on second reading on the consent agenda.**
- 9B.** [ORD-0597](#) 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 an approximate 5.03-acre tract of land out of the Jacob Casner Survey, Abstract No. 2753, in Pflugerville, TX from Agriculture/Development Reserve (A) District to General Business 2 (GB2) District; to be known as the 20502 FM 685 Rezoning (REZ2106-04); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. Generally located north of Rowe Lane along the eastern side of Farm to Market 685.
- The ordinance was approved on second reading on the consent agenda.**
- 9C.** [ORD-0607](#) Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, amending the City of Pflugerville, Texas Code of Ordinances Title VII Traffic Code, Chapter 71 Parking Regulations, Section 71.05 parking prohibited in certain designated areas by adding additional temporary no parking zones required by construction; providing for a penalty for a violation of Chapter 71 as a Class C Misdemeanor and a fine in an amount not to exceed \$200.00; providing that this ordinance shall be cumulative; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date. Portions of the Heatherwilde Subdivision will be effected due to construction activities related to Heatherwilde Subdivision Phase 2 Pavement Rehabilitation project and part of the

Pavement Maintenance Program.

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

## 10. Approval of Minutes

- 10A. [2021-0909](#) Approval of the minutes of the August 24, 2021 Worksession and Regular Meeting and September 7, 2021 Special Meeting.

The minutes were approved on the consent agenda.

## 11. Resolutions

- 11B. [RES-0916](#) Approving a Resolution with the caption reading: A Resolution of the City of Council of the City of Pflugerville, Texas ("City") joining with the State of Texas and political subdivisions of the State as a party in the Texas opioid settlement agreements secured by the Office of the Attorney General; Authorizing the City Manager to execute settlement participation form; and establishing an effective date.

The resolution was approved on the consent agenda.

## Action on the Consent Agenda

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

## Resolutions - Pulled from Consent Agenda

- 11A. [RES-0914](#) Approving a resolution authorizing the City Manager to execute second renewal of an Interlocal Cooperation Agreement for Public Health Services between the City of Austin and the City of Pflugerville.

Mayor Gonzales opened the item for discussion. Mr. Rogers asked for information on what the renewal impacts. Mr. Heath asked for information on how this effects events like Chili Pfest. Ms. Barron provided background information on the interlocal agreement, prior to the interlocal it was a contractor. Mr. Rogers asked if the idea is to save money and increased efficiency with Austin Public Health. Ms. Barron stated that the level of expertise is also high. Marcel Elizondo with Austin Public Health stated the way Chili Pfest was previously held was against state and federal law. Mayor Pro Tem Peña made a motion to approve. Mr. Heath asked how a process like Chili Pfest is done elsewhere. Mr. Elizondo stated they do everything onsite so health officials can review. Discussion followed regarding how events like these can be held with additional proposals. Mr. Metayer seconded the motion to approve. All voted in favor. The motion carried.

- 11C. [RES-0920](#) Approving a resolution authorizing the City Manager to execute an agreement with Valley View Consulting for professional municipal

investment advisory services and establishing an effective date

Mayor Gonzales opened the item for discussion. Ms. Moore provided information on the process of selecting Valley View consulting. Susan Anderson with Valley View Consulting provided background information about the company. Ms. Anderson answered questions from council about the process including conversations with finance staff and project managers about current and future projects. Mr. Heath asked if there was any way to help mitigate inflation risks. Ms. Anderson stated they are very limited by state law on what can be done and that is not within the parameters. Mr. Metayer discussed equity and asked about Valley View approaches equity. Ms. Anderson stated they are a small firm and as the firm grows that is the objective.

Mr. Heath made a motion to approve. Mr. Rogers seconded the motion. Mr. Metayer voted no, all others voted in favor. The motion carried.

## 12. Other Actions - Pulled from Consent Agenda

- 12A. [2021-0877](#) Authorizing the City Manager to execute a Facility Extension Agreement with Oncor Electric Delivery to provide a redundant electrical service to the Surface Water Treatment Plant in the amount of \$353,406.86.

Mayor Gonzales opened the item for discussion. Mr. Pritchett provided a summary of the water treatment system generator project and information about the Oncor redundant feed. Mr. Heath discussed the designation of critical infrastructure status. Mayor Pro Tem Peña asked how long the process would take to complete. Mr. Pritchett stated that it depends on the availability of materials, but estimating six months. Armando Perez with Oncor discussed the circumstances of the storm in February stating that due to outages from Ercot, Oncor was limited on their ability to meet the needs. Mr. Perez stated the redundant feed will help have things set up in case of a storm in the future and give Oncor options, but it is still dependent on if Ercot implements rolling blackouts. Mr. Metayer commended Mr. Perez for being consistently willing to show up and answer questions, and wanted to commend the CEO for the same. Mr. Metayer made a motion to approve the item. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 12B. [2021-0939](#) Consider action to award a construction contract for Geyser Avenue Drainage Improvements to Miller Brothers in the amount of \$105,684.69 and authorizing the City Manager to execute same.

Mayor Gonzales opened the item for discussion. Mr. Groeschel provided information on the item discussing what the current issue with the needed drainage improvements. Discussion followed regarding whether the street was there before the residence. Ms. Giannini provided information on the solution discussing that this is not an issue that would be seen today but is to solve a problem that was caused previously. Discussion followed regarding the process of learning about the problem and the stages along the way to provide the solution. Mr. Metayer made a motion to approve the item. Mr. Heath seconded the motion. All voted in favor. The motion carried.

- 12C. [2021-0949](#) Authorizing the City Manager to execute agreement with Enterprise Fleet Management (EFM) for the capital lease of the City's fleet and establish

an effective date

Mayor Gonzales opened the item for discussion. Mr. Rogers asked how this agreement impacts vehicles the city already owns and scope. Bo Ashe with Enterprise Fleet Management provided information stating it covers the traditional vehicle fleet, but does not include items such as mowers and street sweepers. Mr. Metayer made a motion to approve the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**12D.** [2021-0984](#)

Approving the selection of Tyler Munis for implementation of a Enterprise Resource Planning (ERP) and authorizing the City Manager to enter into contract negotiations.

Mayor Gonzales opened the item for discussion. Mr. Collins provided an overview of the process for selection stating seven bids were received and four were reviewed for demonstrations. After additional reference checks Tyler Munis was selected as the final choice by the selection committee. Mr. Heath asked what citizens would see as a result of the ERP system. Mr. Collins stated citizens will not see much as it is behind the scenes, but it will increase efficiency. Mr. Heath asked if it would result in better reporting for the city. Mr. Collins stated that it would result in better reporting than the city has previously had. Mr. Metayer made a motion to approve the item. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

**12E.** [2021-0932](#)

Discuss and consider action to award a construction contract for Heatherwilde Roadway Rehabilitation Project Phase II to Terra Path, the lowest responsible bidder of two (2) bids received on August 25, 2021, in the amount of \$1,454,000 and authorizing the City Manager to execute same.

Mayor Gonzales opened the item for discussion. Mr. Groeschel provided information related to the overview of the scope and the Pavement Maintenance Program. Mr. Metayer made a motion to approve the item. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**12F.** [2021-0951](#)

Approving Amendment No. 1 to an Interlocal Agreement with Capital Metropolitan Transit Authority (CMTA) and authorizing the City Manager to execute said agreement.

Mayor Gonzales opened the item for discussion. Mr. Rogers stated it does not look like they are meeting the proposed metrics and not convinced the city is getting its money's worth. Mr. Weiss stated they are doing more wheelchair accessible rides and the pilot still has some time to go and is on track in the right direction. Mr. Metayer stated it has only been six months during a pandemic and Amazon has not opened yet. Mr. Rogers stated there is still a pandemic and the numbers may not change. Discussion followed regarding the metrics and rides that are provided. Chad Valentine with Capital Metro stated that providing wheelchair accessible transportation is one of the hardest transportation issues to solve. Discussion followed regarding cost effectiveness of rides. Mr. Metayer asked Capital Metro to speak with Travis County about an extension of the service area. Mr. Weiss requested that Capital Metro come back in six months with information on what it would cost to serve a larger area. Discussion followed regarding fixed and variable costs. Mr. Valentine stated he can take a look at what the breakdown is with their finance team.



Mr. Weiss made a motion to approve the item. Mr. Metayer seconded the motion. The vote was as follows: Mr. Weiss - yes, Mr. Ruiz - no, Mayor Pro Tem Peña - no, Mayor Gonzales - yes, Mr. Metayer - yes, Mr. Rogers - no, Mr. Heath - yes. The motion carried. Mr. Heath stated he would like to see them come back with the numbers and more information. Mr. Ruiz stated he would like to see them at the next meeting with more information.

### 13. Resolutions

- 13A. [RES-0918](#) Discuss and consider action to approve a resolution approving a Utility Reimbursement and Joint Access and Use agreement with Manville Water Supply Corporation associated with the relocation of a water line along Kelly Lane in conflict with the Kelly Lane Phase 2 Roadway project.

Mayor Gonzales opened the item for discussion. Ms. Davis provided information on the item and answered questions from council, stating this was an item that was previously brought to council as it relates to the cost. Mr. Weiss made a motion to approve the resolution. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

- 13B. [RES-0919](#) Discuss and consider action to approve a resolution determining that the competitive sealed proposal (Request for Proposal) procurement method for the construction of the Surface Water Treatment Plant Expansion project, provide the best value for the City, and delegating authority to use said method in accordance with the Texas Government Code.

Mayor Gonzales opened item 13B. and 13C. for discussion. Ms. Davis provided information stating the items are to be proactive in the construction to allow them to select the contractor on a specific set of criteria, and to collaboratively build and design around the membrane component.

Mr. Rogers made a motion to approve the resolution. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

- 13C. [RES-0921](#) Discuss and consider action to approve a resolution determining that the competitive sealed proposal (Request for Proposal) procurement method for the Surface Water Treatment Plant Expansion project membrane filtration system supplier selection via a two-step process, provides the best value for the City, and delegating authority to use said method in accordance with the Texas Government Code.

Mr. Rogers made a motion to approve the resolution. Mayor Gonzales seconded the motion. All voted in favor. The motion carried.

- 13D. [RES-0922](#) Discuss and consider action to amend the resolution requiring the wearing of masks in city facilities to include circumstances under which the mandate will be in effect.

Mayor Gonzales opened the item for discussion. Mr. Rogers stated there was previously discussion about setting the resolution according to the stages of Austin Public Health for it to trigger when it is in effect. Discussion followed

regarding the stages. Mr. Rogers stated he would like to amend the draft resolution to be in effect during stages 4 and 5. Mr. Weiss made a motion to approve the resolution as presented. There was additional discussion regarding the Austin Public Health stages. Mr. Metayer seconded Mr. Weiss's motion. The vote was as follows: Mr. Weiss - yes, Mr. Ruiz - yes, Mayor Pro Tem Peña - no, Mr. Metayer - yes, Mr. Heath - no, Mr. Rogers - no, Mayor Gonzales - yes. The motion carried.

#### 14. Discuss Only

- 14A. [2021-0950](#) Discussion of sales tax ruling from the Texas Comptroller Rule 3.334 defining Place of Business

Mayor Gonzales opened the item for discussion. Ms. Moore gave a presentation regarding the State Comptroller Ruling 3.334 regarding sales tax collection due at point of sale versus destination based on definition of Place of Business. Ms. Moore answered questions from council regarding place of business distinction by email versus on a website. She stated there is no known negative impact and while there is a potential for a small upside due to destination sourced purchase, there is no way to measure. Ms. Moore clarified that the FY22 Budget was not adopted based on this ruling, so no change is anticipated as the estimates were not relying on the ruling.

- 14B. [2021-0985](#) Discussion regarding code of conduct for elected and appointed officials.

Mayor Gonzales stated everyone on the dais should have read the code of conduct and understands what their duties and obligations are as elected officials. He stated council needs to make sure they understand the code of conduct based on integrity and the obligation to the citizens. He discussed the previous issue brought up under public comment regarding campaign materials and council needs to know what their responsibilities are. Mayor Pro Tem Peña stated he will accept sanctions from the council for non-compliance with code of conduct. Mr. Heath discussed how the code of conduct was adopted and first amendment rights. Mayor Gonzales stated if the council has the code of conduct they need to adhere to is as they have imposed it upon themselves. Mr. Weiss stated this is a good refresher on the code of conduct and does not see any need to move forward with a future action item. Mr. Metayer stated council holds themselves to a specific level. Discussion followed regarding the language used related to endorsing a candidate.

#### 15. Discuss and consider action

- 15A. [2021-0944](#) Discuss and consider action regarding the obligation of American Rescue Plan Act (ARPA) funds.

Mayor Gonzales opened the item for discussion. Ms. Little provided an overview of the topics that council previously discussed related to the obligating funds for the American Rescue Plan Act stating that staff recommendation is to hold funds until the US Treasury releases the final rule. She stated there is no information on when that might be. Mr. Metayer asked what happens if the city spends money on an item that is later found not to be approved. Mr. Zech stated that is unknown, but likely includes reimbursement. Discussion followed regarding waiting on the US Treasury final rule and small

business loans. Ms. Little stated there are funds allocated in ARPA for small business assistance which is a direct application to the treasury. Mr. Metayer asked for the information to be on the city's website to have the information available. Mr. Ruiz requested that as soon as we receive the information on final guidelines it be brought back to council. Mr. Rogers asked if it is possible to pre-design the program. Ms. Little stated it is encouraged at this point. Discussion continued regarding small business assistance, Ms. Breland suggested included those who usually handle it to be included in a worksession.

Mr. Metayer made a motion to approve the ERP and Phone VOIP allocations as presented. Mayor Gonzales seconded the motion. Mr. Weiss voted no, all others voted in favor. The motion carried.

**15B.** [2021-0865](#)

Discuss and consider action to award a construction contract for the North 2.5 MG Elevated Storage Tank to Landmark Structures I, L.P. the lowest responsible bidder of three (3) accepted bids received on September 2, 2021, in the amount of \$7,451,000.00 and authorizing the City Manager to execute same.

Mayor Gonzales opened the item for discussion. Mr. Weiss asked about painting the tank. Ms. Davis stated it is the standard P logo. Mr. Heath made a motion to approve the item. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

**15C.** [2021-0931](#)

Approving a proposal from Alpha Building Corporation for \$79,187.54 for removal of tenant improvements at the Development Services Center and authorizing the City Manager to execute necessary documents.

Mayor Gonzales opened the item for discussion. Mr. Fletcher provided information stating when the city leased the area they installed some tenant improvements. He stated that Travis County ESD2 is exercising a provision in the lease for improvements to be restored to original condition. Mr. Metayer asked if the city asked permission before the changes were made. Mr. Fletcher confirmed and stated that it is staff's opinion that the improvements made would lend itself to future renters. He stated he has not been provided more information and does not know why they are asking for the original condition to be restored. Mr. Weiss clarified that it would be another month's rent on top of the construction cost. Mr. Heath made a motion to postpone the item to the next meeting. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

**15D.** [2021-0982](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding expansion of Travis County Emergency Services District (ESD) No. 17; legal advice concerning the City's authority and options for the provisions of fire, rescue, and emergency medical services to Pflugerville citizens; Including the litigation in, *In Re City of Pflugerville, Texas, et al.* filed in the Third Court of Appeals and the Texas Supreme Court, and *David Rogers, et al v. Travis County Emergency Services District No. 17, et al* filed in the Travis County Judicial District Court. 2.) Open Session Item: Discuss and consider action regarding expansion of

Travis County Emergency Services District (ESD) No. 17, or other legal options for providing fire, rescue, and emergency medical services to Pflugerville citizens.

**Mayor Gonzales announced that council was retiring to executive session for discussion on items 15D., 15E., and 15H. Mayor Gonzales read the items and retired to executive session at 11:08pm.**

**Discussion on the item took place in executive session. No action was taken.**

- 15E.** [2021-0975](#) 1.) Executive Session Item: Deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, and/or value of real property regarding 203 W. Main Street. 2.) Open Session Item: Discuss and consider action related to 203 W. Main Street.

**Discussion on the item took place in executive session. No action was taken.**

- 15F.** [2021-0946](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville. 2.) Open Session Item: Discuss and consider action regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville.

**Discussion on the item took place during the previous worksession.**

- 15H.** [2021-0912](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation and employment agreement of the City Manager. 2.) Open Session Item: Discuss and consider action related to the employee agreement between Sereniah Breland and the City of Pflugerville.

**Discussion on the item occurred in executive session. No action was taken.**

**16. Discuss only**

- 16A.** [2021-0908](#) Request to place item on future agenda.

**Mr. Heath stated he wanted Mr. Ruiz's previously discussed future item for Capital Metro pilot program to be brought back with a possible action item. Mr. Rogers seconded.**

**Mr. Rogers stated item 15H. needed to be brought back for further discussion with possible action. Discussion followed regarding scheduled a special meeting. Council decided to hold a special meeting on Tuesday, September 21, 2021 at 5pm.**

**17. Adjourn**

**Mayor Gonzales adjourned the meeting at 1:42am.**

Respectfully submitted,

Trista Evans, City Secretary

Approved as submitted on September 28, 2021