



# City of Round Rock

## Meeting Minutes - Final

### City Council

Thursday, March 25, 2021

#### **SPECIAL NOTE:**

*Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting was held in person and by video conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of COVID-19.*

*All Council Members were present in the City Council chambers. Members of the public were able to speak during Citizen Communication and public hearings by attending the meeting in person or via videoconferencing.*

*This meeting was also viewable live online at [www.roundrocktexas.gov/tv](http://www.roundrocktexas.gov/tv), and on Spectrum Channel 10 and U-Verse Channel 99.*

#### **CALL MEETING TO ORDER**

*The Round Rock City Council met in regular session on Thursday, March 25, 2021 in the City Council Chambers located at 221 E Main Street, Round Rock. Mayor Morgan called the session to order at 6:01 pm.*

#### **ROLL CALL**

**Present:** 7 - Mayor Craig Morgan  
Mayor Pro-Tem Rene Flores  
Council Member Michelle Ly  
Council Member Matthew Baker  
Council Member Frank Ortega  
Council Member Writ Baese  
Council Member Hilda Montgomery

**Absent:** 0

#### **PLEDGES OF ALLEGIANCE**

*Mayor Morgan led the following Pledges of Allegiance:*  
*United States*  
*Texas*

**CITIZEN COMMUNICATION**

*The following people spoke to Council regarding the mask ordinance:*

*Michael Withrow, 901 Mays*

*Jacob Darfler, 903 Hollow Trail*

**STAFF PRESENTATIONS:****E.1**     [Consider a presentation and department update from Planning and Development Services.](#)

*Brad Wiseman, Planning and Development Services Director, made the staff presentation.*

**Mayor Morgan went out of the regular order of the agenda to consider the following item:**

**ORDINANCES:****H.1**     [Consider an ordinance rezoning a 6.84-acre tract of land located on the east side of Chisholm Trail and south of W. Old Settlers Boulevard from the C-1 \(General Commercial\) zoning district to the PUD \(Planned Unit Development\) No. 126 zoning district. \(Second Reading\)](#)

*Brad Wiseman, Planning and Development Services Director, made the staff presentation.*

*Mayor Morgan opened the hearing for public testimony.*

*There being none, the public hearing was closed.*

**A motion was made by Mayor Pro-Tem Flores, seconded by Council Member Baker to approve the first reading of the ordinance. The motion carried**

**RESOLUTIONS:****G.3**     [Consider a resolution authorizing the Mayor to execute a Standard Form of Agreement between Owner and Contractor with SKE Construction, LLC for the South Creek A/C Waterline Rehabilitation Project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

**A motion was made by Council Member Ortega, seconded by Council Member Baese, to approve the Resolution. The motion passed by the following vote:**

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

**G.4** [Consider a resolution authorizing the Mayor to execute a Contract with Atlas Construction, Co. for the University Boulevard Water Main Extension Project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

*Mayor Morgan continued with the regular order of the agenda.*

**CONSENT AGENDA:**

*All items listed on the Consent Agenda were enacted by one motion. There was no separate discussion of these items and no items were removed from the Consent Agenda.*

**A motion was made by Council Member Montgomery seconded by Mayor Pro-Tem Flores to approve the Consent Agenda. The motion carried by the following vote:**

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

Absent: 0

- F.1 [Consider approval of the minutes for the March 11, 2021 Special Called and Regular City Council meetings.](#)

This item was approved on the Consent Agenda.

- F.2 [Consider a resolution authorizing the Mayor to execute an Agreement with Dahill Office Technology Corporation for the lease of copiers and related goods and services.](#)

This item was approved on the Consent Agenda.

#### RESOLUTIONS CONTINUED:

- G.1 [Consider a resolution authorizing the Mayor to execute a Joint Election Agreement and Contract for Election Services with Williamson County for the May 1, 2021 General Election.](#)

A motion was made by Council Member Baese, seconded by Council Member Ortega, to approve the Resolution. The motion passed by the following vote:

Ayes: 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

Nays: 0

Absent: 0

- G.2 [Consider a resolution authorizing the Mayor to execute a Customer Service Order with Charter Communications Operating, LLC on behalf of Spectrum, for an internet upgrade for 1Gigabyte Fiber at 2701 North Mays Street.](#)

*Heath Douglas, CIO, made the presentation.*

A motion was made by Mayor Pro-Tem Flores, seconded by Council Member Ly, to approve the Resolution. The motion passed by the following vote:

Ayes: 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

Nays: 0

Absent: 0

**G.5**     [Consider a resolution authorizing the Mayor to execute a Professional Consulting Services Agreement with TSIT Engineering and Consulting, LLC for construction material testing services for the Brushy Creek Regional Wastewater System - East Plant Expansion Project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

**A motion was made by Council Member Baker, seconded by Council Member Ortega, to approve the Resolution. The motion passed by the following vote:**

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

**G.6**     [Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in a 0.120-acre tract of land \(Parcel 141\) from property owned by Reyna Gonzales and Jose Gonzales for the BCRUA Phase 2 raw water delivery project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

**Mayor Pro-Tem Flores moved that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire an electric utility easement to the following parcel of land for construction of improvements to and for the regional raw water treatment, delivery and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.120-acre tract of land from property owned by Reyna Gonzales and Jose Gonzales, as described in Exhibit A of the resolution. Council Member Baker seconded the motion. The motion passed by the following vote:**

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

- G.7** [Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in 0.467-acre of land \(Parcel 77\) from property owned by Mark L. Etheridge and Linda M. Etheridge for the BCRUA Phase 2 raw water delivery project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

Mayor Pro-Tem Flores moved that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire an electric utility easement to the following parcel of land for construction of improvements to and for the regional raw water treatment, delivery and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.467-acre tract of land from property owned by Mark L. Etheridge and Linda M. Etheridge, as described in Exhibit A of the resolution. Council Member Baese seconded the motion. The motion passed by the following vote:

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

- G.8** [Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in 0.759-acre of land \(Parcel 201\) from property owned by Mark A. Snyder and Mary Jeanene Snyder for the BCRUA Phase 2 raw water delivery project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

Mayor Pro-Tem Flores moved that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire an electric utility easement to the following parcel of land for construction of improvements to and for the regional raw water treatment, delivery and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.759-acre tract of land from property owned by Mark A. Snyder and Mary Jeanene Snyder, as described in Exhibit A of the resolution. Council Member Ly seconded the motion. The motion passed by the following vote:

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

**G.9** [Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in 0.288-acre of land \(Parcel 98\) from property owned by Edd Mack Fulkes, III and Nancy Carolyn Fulkes for the BCRUA Phase 2 raw water delivery project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

Mayor Pro-Tem Flores moved that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire an electric utility easement to the following parcel of land for construction of improvements to and for the regional raw water treatment, delivery and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.288-acre tract of land from property owned by Edd Mack Fulkes, III and Nancy Carolyn Fulkes, as described in Exhibit A of the resolution. Council Member Ortega seconded the motion. The motion passed by the following vote:

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

- G.10** [Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in 0.417-acre of land \(Parcel 97\) from property owned by Mary F. Cameron and Claud G. Cameron for the BCRUA Phase 2 raw water delivery project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

Mayor Pro-Tem Flores moved that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire an electric utility easement to the following parcel of land for construction of improvements to and for the regional raw water treatment, delivery and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.417-acre tract of land from property owned by Mary F. Cameron and Claud G. Cameron, as described in Exhibit A of the resolution. Council Member Baker seconded the motion. The motion passed by the following vote:

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

- G.11** [Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire an electric utility easement in 0.115-acre of land \(Parcel 93\) from property owned by Stephen V. Megna for the BCRUA Phase 2 raw water delivery project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

Mayor Pro-Tem Flores moved that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire an electric utility easement to the following parcel of land for construction of improvements to and for the regional raw water treatment, delivery and distribution system of the Brushy Creek Regional Utility Authority, Inc.: a 0.115-acre tract of land from property owned by Stephen V. Megna, as described in Exhibit A of the resolution. Council Member Baker seconded the motion. The motion passed by the following vote:



**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

- G.12** [Consider a resolution determining the necessity for, and authorizing the use of the City's power of eminent domain to acquire a subsurface tunnel easement through and across 1.735-acres \(Parcel 45,46,49\), a temporary monitoring well access easement in 0.008 acre \(Parcel 45MW-AE\), and a temporary monitoring well easement in 0.0006-acre \(Parcel 45MW\) of land, from property owned by AC Sandy Creek Yacht Club Marina, LLC for the BCRUA Phase 2 raw water delivery project.](#)

*Michael Thane, Utilities and Environmental Services Director, made the staff presentation.*

Mayor Pro-Tem Flores moved that the City Council approve this resolution which authorizes the use of the power of eminent domain to acquire a subsurface tunnel, temporary access and temporary monitoring well easements to the following parcels of land for construction of improvements to and for the regional raw water treatment, delivery and distribution system of the Brushy Creek Regional Utility Authority, Inc.: three parcels of land totaling approximately 1.735 acres for a subsurface tunnel easement, a temporary monitoring well access easement of 0.008 acre, and a temporary monitoring well easement of 0.0006 acre from property owned by AC Sandy Creek Yacht Club Marina, LLC, as described in Exhibit A of the resolution. Council Member Baese seconded the motion. The motion passed by the following vote:

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

#### **COUNCIL COMMENTS REGARDING ITEMS OF COMMUNITY INTEREST**

**EXECUTIVE SESSION:**

- J.1**     [Consider executive session as authorized by §551.071 Government Code related to consultation with the City Attorney regarding a potential legal challenge to the City's emergency ordinance mandating face coverings.](#)

*The City Council recessed to executive session. Mayor Morgan called the session to order at 7:15 pm and adjourned it at 8:35 pm. Council then returned to regular session.*

**ACTION RELATIVE TO EXECUTIVE SESSION:**

- K.1**     [Consider possible action regarding a potential legal challenge to the City's emergency ordinance mandating face coverings.](#)

A motion was made by Council Member Baker, seconded by Council Member Montgomery, to direct the City Manager to put an ordinance on the April 8, 2021 agenda repealing the most recent emergency ordinance. The motion passed by the following vote:

**Ayes:** 7 - Mayor Morgan  
Mayor Pro-Tem Flores  
Council Member Ly  
Council Member Baker  
Council Member Ortega  
Council Member Baese  
Council Member Montgomery

**Nays:** 0

**Absent:** 0

**ADJOURNMENT**

*There being no further business, Mayor Morgan adjourned the meeting at 8:37 PM.*

*Respectfully Submitted,*

*Meagan Spinks, Deputy City Clerk*