



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, May 26, 2015

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

2. Opening

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

B. Pledge of Allegiance to the Texas State Flag: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

3. Presentation

- 3A. [2015-3936](#)** Presentation regarding 2015 summer reading club and activities at the Pflugerville Public Library.

4. Public Hearing and Ordinance First Reading

- 4A. [ORD-0249](#)** Conduct a public hearing and consider approving an ordinance on first 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 TWO SEPARATE TRACTS CONSISTING OF APPROXIMATELY 3.321 ACRES OF LAND LOCATED BETWEEN FM 685 AND OLD AUSTIN-HUTTO RD, GENERALLY EAST OF THE APPLEWOOD DR. AND FM 685 INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 1 (GB1); TO BE KNOWN AS THE BURRELL BUSINESS PARK REZONING (REZ1503-02), AND PROVIDING AN EFFECTIVE DATE.

5. Public Comment

In accordance with the Texas Attorney General's Opinion, any public comment that is made on an item that is not on the published final agenda will only be heard by the City Council. No formal action, discussion, deliberation, or comment will be made by the City Council. Each person providing public comment will be limited to 3 minutes.

Reading of the Consent Agenda

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless requested by a member of the City Council. Public comment on consent agenda items may be heard without removing the item from the consent agenda. Each person providing public comment will be limited to 3 minutes.

6. Approval of Minutes

- 6A. [2015-3929](#) Approval of the minutes of the May 6, 2015 Quorum and May 12, 2015 Worksession and Regular Meeting.

7. Ordinances Second Reading

- 7A. [ORD-0252](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE READOPTING CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 95 PARKS AND RECREATION SUBCHAPTER 95.50 YOUTH PROGRAMS STANDARDS OF CARE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.
- 7B. [ORD-0254](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION BY TACK DEVELOPMENT LTD. FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, A 75.3-ACRE TRACT OF LAND DESIGNATED IN VOLUME 12792 PAGE 1028 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY EXCLUDING THE LAND DESIGNATED FOR RIGHT OF WAY IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE-CONSERVATION (A); BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

8. Resolutions

- 8A. [RES-0249](#) Approving a resolution adopting an annual annexation plan.
- 8B. [RES-0251](#) Approving a resolution with the caption reading: a RESOLUTION BY THE CITY OF PFLUGERVILLE, TEXAS ("CITY"), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION,

MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

9. Other Actions

- 9A.** [2015-3915](#) Authorizing the City Manager to execute a conditional donation and conveyance agreement with John S. Lloyd, First United Corporation, Richard Z. Rady and Agatha O. Rady, Realtron Inc. and the City of Pflugerville for acquisition and release of property associated with roadway construction for the Heatherwilde Widening Capital Improvement Project.
- 9B.** [2015-3922](#) Authorizing the City Manager to execute a conditional purchase agreement, by Special Warranty Deed, and a Slope Easement agreement between Bruce Cash and the City of Pflugerville for the utility and roadway construction associated with the Heatherwilde widening and MUD5 water main capital improvement projects.
- 9C.** [2015-3916](#) Authorizing the City Manager to execute an Easement Purchase Agreement and Public Water Easement Agreement with the Pflugerville Independent School District (PISD) and the City of Pflugerville for the utility construction associated with the E. Pflugerville Parkway and Pfennig Lane Water Main Capital Improvement Project.
- 9D.** [2015-3935](#) Review of the Quarterly Investment Report for the quarter ending March 31, 2015.

Action on the Consent Agenda

10. Discuss and consider action

- 10A.** [2015-3937](#) Discuss and consider action to approve a supplemental agreement #1 with Freese and Nichols, Inc. in the amount of \$59,782 for professional engineering services associated with the design of the Old Austin-Hutto Road project and authorizing the City Manager to execute the agreement. In addition, approve substitution of Gorrondona & Associates as subconsultant to Freese and Nichols to provide survey services.
- 10B.** [2015-3928](#) Discuss and consider action regarding future agenda items.

11. Discuss only

- 11A.** [2015-3930](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning economic development negotiations.
- 11B.** [2015-3931](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the provision of public utilities within the City of Pflugerville.
- 11C.** [2015-3932](#) 1.) Executive Session Item: Consultation with legal counsel regarding provision of emergency services within the City pursuant to Chapter 551.071 of the Texas Government Code.
- 11D.** [2015-3933](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning a development agreement with the Pflugerville Independent School District.
- 11E.** [2015-3939](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the City Council's statutory authority pursuant to Texas Local Government Code Section 501.401.

12. Adjourn

Executive sessions held during this meeting will generally take place in Suite 300, at the discretion of the City Council.

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Jeff Coleman, Mayor

This is to certify that a copy of this agenda for this meeting was posted on the bulletin board located at the City Municipal Building on May 20, 2015, at 5:00 PM pursuant to Section 551.041, Government Code.

Karen Thompson, City Secretary

The City of Pflugerville is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-990-6101 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 512-272-9116 or may utilize the statewide Relay Texas program at 1-800-735-2988.