



# City of Pflugerville

## Meeting Agenda - Final

### City Council

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Tuesday, December 13, 2016

7:00 PM

100 East Main Street, Suite 500

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#### 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. [2016-5448](#) Pflugerville Animal Welfare Services (PAWS) hosts Homes for the Holidays.

4. **Public Hearing and Ordinance First Reading**

- 4A. [ORD-0333](#) Conduct a public hearing 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 APPROVING A SPECIFIC USE PERMIT FOR AN OFFICE/WAREHOUSE USE ON A PORTION OF A 60.16 ACRE TRACT OF LAND CURRENTLY ZONED CORRIDOR URBAN LEVEL 4 DISTRICT (CL4) SITUATED IN THE THOMAS G. STUART SURVEY, SECTION NO. 6, ABSTRACT 689, LOCATED IN PFLUGERVILLE, TRAVIS COUNTY, TEXAS, TO BE KNOWN AS THE LIVING SPACES SPECIFIC USE PERMIT (SUP1611-01); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. **Public Hearing and Resolution**

- 5A. [RES-5409](#) Conduct a public hearing and consider approving a Resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS APPROVING A COMMUNITY DEVELOPMENT BLOCK

GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE AND  
EVALUATION REPORT FOR PROGRAM YEAR 2015.

## 6. 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.

## 7. Approval of Minutes

- 7A. [2016-5422](#) Approval of the minutes of the November 22, 2016 Worksession and Regular Meeting; November 28, 2016 Special Meeting; and November 29, 2016 Quorum.

## 8. Ordinances First Reading

- 8A. [ORD-0334](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL SYSTEMS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.
- 8B. [ORD-0335](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO PROGRESSIVE WASTE SOLUTIONS FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.
- 8C. [ORD-0336](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL TEXAS REFUSE, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT;

ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

**8D.** [ORD-0337](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT OF TEXAS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

**8E.** [ORD-0338](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO REPUBLIC SERVICES, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

## **9. Resolution**

**9A.** [RES-0371](#) Approving a resolution of the City of Pflugerville, Texas appointing representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization Transportation Policy Board.

## **10. Other Actions**

**10A.** [2016-5285](#) Authorizing the City Manager to execute an Easement & Right of Way Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the construction associated with the Weiss Lane Roadway Project.

**10B.** [2016-5416](#) Authorizing the City Manager to Execute a Temporary Drainage Easement Agreement between AHV Guardian Legacy, LLC, and the City of Pflugerville associated with the Village on Legacy project located generally northeast of the intersection of Pfennig Ln. and Swenson Farms Blvd.

**10C.** [2016-5441](#) Approving registration, hotel and business related expenses for Mayor Victor Gonzales' attendance at the Texas Municipal League's 2017 Texas Association of Mayors, Councilmembers and Commissioners (TAMCC) Elected Official's Conference in Allen, Texas February 16 - 18, 2017.

**10D.** [2016-5424](#) Approving the Mayor's appointment of Ms. Michele Walty and Ms. Lorena DeZeeuw to the Personnel Appeal Board for three-year terms beginning January 1, 2017.

**Action on the Consent Agenda****11. Discuss and consider action**

- 11A.** [RES-0365](#) Discuss and consider action to approve a resolution appointing Directors to Position 1, Position 3, and Position 5 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two-year terms beginning January 1, 2017.
- 11B.** [RES-0366](#) Discuss and consider action to approve a resolution appointing Director Position 1, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a one-year term beginning January 1, 2017.
- 11C.** [2016-5430](#) Discuss and consider action to authorize the City Manager to execute Change Order #2 in the amount of \$382,681.50 with Patin Construction Company, Inc. for additional work associated with the 1849 Park Project Phase 1 Package A.
- 11D.** [2016-5427](#) Discuss and consider action to authorize the City Manager to execute a contract for valve and hydrant maintenance with R&M Service Solutions, the sole bid received in the amount of \$141,646.00.
- 11E.** [2016-5418](#) Discuss and consider action to approve the award of a construction contract for the Stone Hill Park and Pfluger Park Restroom Project to The Barr Company, the best value contractor for the City of five (5) proposals received on December 2, 2016, in the amount of \$2,026,871.98 and authorizing the City Manager to execute same.
- 11F.** [2016-5216](#) Discuss and consider action to approve an agreement with Kimley-Horn and Associates, Inc. in the amount of \$71,000 for professional services associated with the design of two (2) traffic signals for the Heatherwilde Blvd. and Grand Avenue Parkway Traffic Signals Project (Grand Avenue Pkwy. at Black Locust Dr. and Heatherwilde Blvd. at Cheyenne Valley Dr.) and authorizing the City Manager to execute the agreement.
- 11G.** [RES-0364](#) Discuss and consider action to approve a resolution establishing City Council Place 6; integrating City Council Place 6 into the City Council Election Cycle; establishing a vacancy in City Council Place 6; and providing for the appointment to fill the vacancy in City Council Place 6.
- 11H.** [2016-5425](#) Discuss and consider action regarding scheduling and scope of City Council retreat worksessions for 2017.

**12. Discuss only**

- 12A.** [2016-5403](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the City of Pflugerville's legislative agenda.
- 12B.** [2016-5420](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to

Chapter 551.071 of the Texas Government Code and deliberation 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.

- 12C.** [2016-5421](#) 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.
- 12D.** [2016-5423](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning enabling legislation to give effect to Charter amendments approved by the voters on November 8, 2016.
- 12E.** [2016-5453](#) 1.) Executive Session Item: Deliberations regarding economic development negotiations pursuant to Sections 551.071, 551.072 and 551.087 of the Texas Government Code to discuss economic development negotiations which may include the sale, purchase or lease of real property and financial information received from business to expand in or near the City of Pflugerville and to seek legal advice regarding such projects, incentives and negotiations, including related Consent Agreements, Assignments, Economic Development Agreements, Ground Leases, Operating Agreements, and Sales Contracts for Projects Edesia, Hawaiian Falls and Casa.

**13. 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.

**Brandon Wade, City Manager**

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 December 9, 2016, 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 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.