



# City of Pflugerville

## Meeting Agenda - Final City Council

---

Tuesday, June 12, 2012

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.** [2012-1249](#) The Pflugerville Community Library presents "Get a Clue... at the Library!" this summer.

**4. 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.

**5. Approval of Minutes**

- 5A.** [2012-1242](#) Approval of the minutes of the May 22, 2012 Worksession and Regular Meeting.

**6. Ordinance Second Reading**

- 6A. [ORD-0098](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DECLARING DONATION CONTAINERS TO BE A NUISANCE; PROVIDING FOR ABATEMENT; PROVIDING FOR CRIMINAL PENALTIES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

## 7. Other Actions

- 7A. [2012-1236](#) Awarding a construction contract for the Kelly Lane Street Rehabilitation Project (from Moorlynch Drive to Weiss Lane) to Smith Contracting Co., Inc. and authorizing the City Manager to execute the contract agreement and authorizing the City Engineer to issue the Notice of Award and Notice to Proceed. Four (4) bids were received on May 11, 2012 and Smith Contracting Co., Inc. was the lowest responsive bidder in the amount of \$571,691 (to include base bid plus City selected Alternate #1).
- 7B. [2012-1237](#) Authorizing the City Manager to execute an agreement with K Friese & Associates, Inc. for Bid & Construction Phase Services for the Colorado Sand Drive Roadway, Drainage and Utility Improvements CIP project (from Kelly Lane south to the proposed Copper Mine Drive, Copper Mine Drive from the northbound service road to the existing Hendrickson High School service road, and Autumn Slate Drive from Colorado Sand Drive to Benning Drive) in an amount not to exceed \$310,770.00.
- 7C. [2012-1240](#) Approving and authorizing the City Manager to enter into a Sight Visibility Easement by and between the Pflugerville Loop, LTD, VRE Pflugerville, LLC, and the City of Pflugerville located at the southeastern corner of Lot 4A, Block A, of Amending Plat, Lot 4, Block A of the Springbrook Commercial Subdivision.
- 7D. [2012-1243](#) Receive report on City Council, Commission, Board and Committee expenditures for May 2012.
- 7E. [2012-1256](#) Approving the selection of Lockwood, Andrews and Newnam, Inc. (LAN) for the preparation of an update to the Wastewater Master Plan and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

## Action on the Consent Agenda

### 8. Resolutions

- 8A. [RES-0085](#) Discuss and consider action regarding a resolution opposing rail on the MoKan corridor in Pflugerville.

**9. Discuss and consider action**

- 9A.** [2012-1255](#) Discuss and consider action to approve the selection of Halff Associates, Inc. for the preparation of an Athletic Complex and Randig Tract Feasibility Study and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.
- 9B.** [2012-1260](#) Discuss and consider action to authorize the City Manager to enter into negotiations with Progressive Waste Solutions (formerly IESI TX Corporation) to allow for a two-year extension to the exclusive franchise agreement for the collection, hauling, recycling and disposal of municipal solid waste and recycling material in the City of Pflugerville which terminates January 31, 2013.
- 9C.** [2012-1246](#) Discuss and consider action regarding the City of Pflugerville's participation in the Austin Chamber of Commerce Intercity visit to San Jose/Silicon Valley from September 30 to October 2, 2012.
- 9D.** [2012-1241](#) Discuss and consider action regarding future agenda items.
- 9E.** [2012-1163](#) 1.)Executive Session Item: Consultation with legal counsel regarding Consent of the City of Pflugerville, Texas to the Assumption of the New Sweden Development Agreement to Graham Mortgage Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding Consent of the City of Pflugerville, Texas to the Assumption of the New Sweden Development Agreement to Graham Mortgage Corporation.
- 9F.** [2012-1257](#) 1.)Executive Session Item: Consultation with legal counsel regarding agreements with Manville Water Supply Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discussion and consider action regarding agreements with Manville Water Supply Corporation.
- 9G.** [2012-1258](#) 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. 2.)Open Session Item: Discuss and consider action regarding the provision of public utilities within the City of Pflugerville.

**10. Discuss only**

- 10A.** [2012-1244](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Attorney. 2.) Open Session Item: Discussion regarding the performance evaluation of the City Attorney.
- 10B.** [2012-1270](#) 1.) Executive Session Item: Deliberation regarding the sale of real property pursuant to Chapter 551.072 of the Texas Government Code. 2.)Open Session Item: Discussion regarding the sale of real property.

## 11. Adjourn

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 June 8, 2012, 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 990-6101 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 272-9116 or may utilize the statewide Relay Texas program at 1-800-735-2988.