



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, February 23, 2016

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. 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.

4. Approval of Minutes

- 4A. [2016-4675](#)** Approval of the minutes of the February 9, 2016 Worksession and Regular Meeting.

5. Ordinances Second Reading

- 5A. [ORD-0272](#)** Approving an ordinance on second 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 THE SINGLE FAMILY PORTION OF THE VERONA SUBDIVISION CONSISTING OF APPROXIMATELY 87.991 ACRES FROM

AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY RESIDENTIAL (SF-R); AND THE NON-RESIDENTIAL LOT CONSISTING OF APPROXIMATELY 2.49 ACRES FROM AGRICULTURE/CONSERVATION (A) TO NEIGHBORHOOD SERVICES (NS), TO BE KNOWN AS THE VERONA SUBDIVISION REZONING (REZ1510-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- 5B.** [ORD-0279](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION BY CE DEVELOPMENT INC. FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, A 443.692-ACRE TRACT OF LAND SITUATED IN THE J. LEISSE SURVEY, ABSTRACT NO. 496, SITUATED IN THE J. WIEHL SURVEY, ABSTRACT NO. 802, AND SITUATED IN THE W. CALDWELL SURVEY, ABSTRACT NO. 162 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; 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. (ANX1511-01 Carmel West Annexation)
- 5C.** [ORD-0282](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING ANNEXATION AND ANNEXING, FOR FULL PURPOSES, CITY OWNED LAND CONSISTING OF APPROXIMATELY 177.004 ACRES OF LAND AS DESCRIBED AS THE FIRST AND SECOND TRACTS DESCRIBED IN VOLUME 10761, PAGE 199, OUT OF THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT NO. 162 AND THE JOHN LIESSE SURVEY NO. 18 ABSTRACT NO. 406 SAVE AND EXCEPT THEREFORE THAT CERTAIN LAND DESCRIBED UNDER DOCUMENT NO. 200711908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; 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. (ANX1511-002 Pflugerville Athletic Complex).
- 5D.** [ORD-0285](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 3.084 ACRE TRACT; LOT 1 OF THE WILKE

SUBDIVISION, PFLUGERVILLE, TEXAS, TRAVIS; DOCUMENT NO. 200500119 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; REAL PROPERTY OWNED AND CLAIMED BY NELSON H. PUETT; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS

6. Resolution

- 6A.** [RES-0300](#) Approving a resolution authorizing the City Manager to execute a Partial Abandonment and Release Instrument to partially vacate two existing 50 foot landscape easements on property owned by Cash Construction Company, Inc.

7. Other Actions

- 7A.** [2016-4663](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Cash Construction, Inc. and the City of Pflugerville for a wastewater line associated with the Cash Construction site development project generally located southeast of Heatherwilde Blvd. and Kingston Lacy Blvd.
- 7B.** [2016-4662](#) Authorizing the City Manager to execute a Public Water Easement Agreement with Cash Construction, Inc. and the City of Pflugerville for a water line associated with the Cash Construciton site development project generally located southeast of Heatherwilde Blvd. and Kingston Lacy Blvd.
- 7C.** [2016-4671](#) Authorizing the City Manager to execute an Amendment to the Facility Use Agreement with Pflugfun Watercraft Rentals for the Kayak/Canoe Rental Concession at Lake Pflugerville.
- 7D.** [2016-4619](#) Approving budget amendments for the Pflugerville Community Development Corporation (PCDC) Fiscal Year 2016 and providing an effective date.

Action on the Consent Agenda

8. Discuss only

- 8A.** [2016-4685](#) Discussion regarding the Pflugerville Animal Shelter.

9. Discuss and consider action

- 9A.** [2016-4672](#) Discuss and consider action to award a construction contract for the Pfennig Lane Parking Lot and Restroom Facility project to Boretex LLC, the lowest responsible bidder of eight (8) bids received on February 11, 2016, in the amount of \$267,038.85.

- 9B.** [2016-4673](#) Discuss and consider action to award a construction contract for the Pfennig Pump Station Stand-by Natural Gas Generator project to McDonald Municipal & Industrial, the lowest responsible bidder of three (3) bids received on February 10, 2016, in the amount of \$856,419.
- 9C.** [2016-4674](#) Discuss and consider action regarding future agenda items.
- 9D.** [2016-4682](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding City of Pflugerville v. Rady, Cause No. C-1-CV-15-009334. 2.) Open Session Item: Discuss and consider action to approve a settlement agreement regarding City of Pflugerville v. Rady, Cause No. C-1-CV-15-009334 and authorizing the City Manager to execute same.

10. Discuss only

- 10A.** [2016-4678](#) 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.
- 10B.** [2016-4681](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding legal claim made by Larry Rawls, 1923 Fast Filly.
- 10C.** [2016-4677](#) 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.
- 10D.** [2016-4676](#) 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.
- 10E.** [2016-4679](#) 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.
- 10F.** [2016-4680](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the City Manager for discussion of goals.

11. 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 February 19, 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.