



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, September 24, 2013

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. Presentations

3A. [2013-2252](#) Proclamation declaring October 1, 2013 as National Night Out in the City of Pflugerville.

3B. [2013-2287](#) Presentation of the City-County, Communications and Marketing Association (3CMA) Savvy Award for Pfun Happenings in Pflugerville Public Service Announcement

4. Public Hearing and Ordinance First Readings

4A. [ORD-0173](#) Hold a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2014 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.

5. Ordinance First Reading

5A. [ORD-0174](#) Approving an ordinance on first reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS.

6. Public Hearing and Ordinance First Readings

6A. [ORD-0171](#) Conduct a public hearing and consider approving the first reading of an ordinance with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS

AMENDED, BY CHANGING THE ZONING DESIGNATION OF AN APPROXIMATE 1-ACRE TRACT OF LAND OUT OF THE ALEXANDER WALTERS SURVEY IN PFLUGERVILLE, TX, LOCATED GENERALLY SOUTHWEST OF THE E. PFLUGER ST. TERMINUS FROM RETAIL (R) TO SINGLE FAMILY SUBURBAN (SF-S); TO BE KNOWN AS THE LISSO TRACT AT E. PFLUGER ST. REZONING (REZ1307-02) AND PROVIDING AN EFFECTIVE DATE.

- 6B.** [ORD-0178](#) Conduct a public hearing and consider approving the first reading of an ordinance with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF LOTS 1-4 OF THE P&P SUBDIVISION AS RECORDED IN VOLUME 90 PAGES 121-122, LOCATED GENERALLY AT 445 F.M. 685, PFLUGERVILLE, TX, FROM GENERAL BUSINESS 1 (GB1) TO GENERAL BUSINESS 2(GB2); TO BE KNOWN AS THE AAA STORAGE REZONING (REZ1308-01) AND PROVIDING AN EFFECTIVE DATE.

- 6C.** [ORD-0179](#) Conduct a public hearing and consider approving the first reading of an ordinance with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE PLAN; PROVIDING A CRIMINAL PENALTY FOR VIOLATIONS OF THE RATIONING PROVISIONS OF THE PLAN NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

7. 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.

8. Approval of Minutes

- 8A.** [2013-2302](#) Approval of the minutes of the September 3, 2013 Worksession, and September 10, 2013 Worksession, Supplemental Agenda, and Regular

Meeting.

9. Ordinances Second Reading

- 9A.** [ORD-0161](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF TWO SEPARATE TRACTS OUT OF THE J. CASNER SURVEY NO. 9, ABSTRACT NO. 2753, CONSISTING OF 5.013 ACRES LOCALLY ADDRESSED 20607 FM 685 FROM CORRIDOR URBAN LEVEL 4 (CL4) TO GENERAL BUSINESS 2 (GB2) DISTRICT AND 5.001 ACRES LOCALLY ADDRESSED 20511 FM 685 FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 2 (GB2); TO BE KNOWN AS U-HAUL ADDITION REZONING (REZ1305-03), AND PROVIDING AN EFFECTIVE DATE.
- 9B.** [ORD-0176](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 154, REGARDING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) WITHIN THE CITY LIMITS AND THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

10. Resolution

- 10A.** [RES-0158](#) Approving a resolution ratifying the property tax increase reflected in the City's fiscal year 2014 operating budget.

11. Other Actions

- 11A.** [2013-2279](#) Awarding the construction contract for the 2013 Various Sidewalk and City Hall ADA Improvements to Austin Constructors LLC, the lowest responsive bidder of 7 bids received on August 26, 2013, in the amount of \$73,340 and authorizing the City Manager to execute the contract agreement and authorizing the City Engineer to execute the Notice of Award and Notice to Proceed.
- 11B.** [2013-2281](#) Authorizing the City Manager to execute a Drainage Easement Agreement with Monica & Terry Sullivan and the City of Pflugerville for the necessary roadway and drainage construction associated with the Heatherwilde Boulevard Capital Improvement Project.
- 11C.** [2013-2288](#) Approving an agreement with K Friese & Associates, Inc. in the amount of \$414,505 for professional engineering services associated with design, bidding, and construction administration of the Sorento/Carmel Lift Station and Force Main Project and authorizing the City Manager to execute the agreement.

- 11D. [2013-2291](#) Authorizing the City Manager to execute a warranty deed accepting the conveyance of real property to the City of Pflugerville, to be dedicated as public parkland, legally described as Lot 40, Block A, Falcon Pointe Section 14 Subdivision.
- 11E. [2013-2292](#) Authorizing the City Manager to execute an amendment to the Public Parkland Landscaping Maintenance License Agreement for Falcon Pointe to include Lot 40, Block A, Falcon Pointe Section 14 Subdivision to be dedicated to the City as public parkland.
- 11F. [2013-2303](#) Approving an agreement with DCS Engineering, LLC in the amount of \$193,421.50 for professional engineering services associated with design, bidding, and construction administration of the Pflugerville Parkway Transmission Main Extension and Pfennig Lane Transmission Main Upgrade and Extension Project and authorizing the City Manager to execute the agreement.
- 11G. [2013-2311](#) Authorizing the City Manager to execute Wastewater, Drainage, Sidewalk, Lift Station and Access Easements between Terrabrook Falcon Pointe LLC, and the City of Pflugerville for the necessary roadway and drainage construction associated with the Falcon Pointe-South Tract Major Facilities Final Plat.

Action on the Consent Agenda

12. Discuss and consider action

- 12A. [2013-2269](#) Discuss and consider action to approve an agreement with Oradat and Associates for consulting services in an amount not to exceed \$165,000 and authorizing the City Manager to execute same.
- 12B. [2013-2304](#) Discuss and consider action regarding future agenda items.

13. Discuss only

- 13A. [2013-2308](#) Discuss the Fiscal Year 2013-2014 budget for the Pflugerville Community Development Corporation (PCDC).
- 13B. [2013-2237](#) Discuss the Pflugerville Community Development Corporation (PCDC) Acceptance of Bid Proposal for Phase 3 Construction in 130 Commerce Center.
- 13C. [2013-2305](#) 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.
- 13D. [2013-2306](#) 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.

- 13E.** [2013-2307](#) 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.
- 13F.** [2013-2309](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Manager.
- 14. Discuss and consider action**
- 14A.** [2013-2321](#) Discuss and consider action regarding an agreement with Manville Water Supply Corporation associated with wholesale water supply for the North Travis County Municipal Utility District (MUD) No. 5 area.
- 15. 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 September 19, 2013, 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.