



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, October 10, 2017

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

The City Council is scheduled to hold a Worksession starting at 6:00 p.m. Please see the Worksession Agenda for a list of items for discussion at the Worksession.

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. City Council Announcements

Pursuant to Texas Government Code Sec. 551.0415. a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without having given notice of the subject of the announcement. "Items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

4. Presentations

- 4A. [2017-6128](#) Highlights of the success of the Pflugerville Public Library Comic Con event.

- 4B. [2017-6206](#) Invitation to all Pflugerville citizens to come to Pfall Chili Pfest on Saturday, October 21, 2017.
- 4C. [2017-6220](#) Presentation and discussion about the City's Capital Improvement Program.
- 4D. [2017-6221](#) Presentation and discussion about the Heatherwilde and Windermere Subdivision Street Repairs Project.

5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0367](#) 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. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY REZONING THREE SEPARATE (3) PARCELS WITHIN A PROPOSED 7.31-ACRE SUBDIVISION GENERALLY LOCATED SOUTHWEST OF THE NORTH HEATHERWILDE BOULEVARD AND KINGSTON LACY BOULEVARD INTERSECTION WITH PARCEL ONE (1), CONSISTING OF 5.46 ACRES, BEING REZONED FROM GENERAL BUSINESS 1 (GB1) TO GENERAL BUSINESS 2 (GB2) DISTRICT, PARCEL TWO (2), CONSISTING OF 1.0 ACRE, BEING REZONED FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 2 (GB2) DISTRICT, AND PARCEL THREE (3), CONSISTING OF 0.45 ACRES, BEING REZONED FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 1 (GB1) DISTRICT, AND ALL COLLECTIVELY TO BE KNOWN AS THE KUEMPEL COMMERCIAL REZONING (REZ1708-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 5B. [ORD-0369](#) 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. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A PROPOSED MULTI-FAMILY LAND USE ON A 17.43 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 STONE HILL LUXURY APARTMENTS SPECIFIC USE PERMIT (SUP1706-01); PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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. [2017-6213](#) Approval of the minutes of the September 19, 2017 Special Meeting, September 25, 2017 Worksession and September 26, 2017 Worksession and Regular Meeting.

8. Ordinances Second Reading

- 8A. [ORD-0371](#) 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 72 REGARDING SPEED LIMITS ON CITY STREETS (EAST PECAN STREET) TO ESTABLISH PRIMA FACIE MAXIMUM SPEEDS; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

9. Resolutions

- 9A. [RES-0462](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING THE NORTH POINTE ECONOMIC DEVELOPMENT PROJECT RESOLUTION 1539-17-01-24-0384 TO EXTEND PROPERTY ACQUISITION DEADLINE TO FEBRUARY 28, 2018.
- 9B. [RES-0464](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE APPROVING HAZARD MITIGATION PLAN.

10. Other Actions

- 10A. [2017-6231](#) Approving a reimbursement request from Mayor Victor Gonzales for business meeting mileage in the amount of \$52.43 for attendance at the CAPCOG (Capital Area Council of Governments) monthly General

Assembly meeting held on September 13, 2017 in Austin, Texas and the Texas Municipal League Region 10 meeting held in Leander, Texas on September 27, 2017.

- 10B.** [2017-6223](#) Authorizing the City Manager to approve the purchase of a Horizontal Split Multi-Stage Centrifugal Blower for interim improvements at the City's Wastewater Treatment Plant from Gardner Denver Nash, LLC in the amount of \$82,158.
- 10C.** [2017-6224](#) Authorizing the City Manager to approve the purchase of a Surface Aerator Mixer for interim improvements at the City's Wastewater Treatment Plant from Aeration Industries, Inc. in the amount of \$160,414.
- 10D.** [2017-6226](#) Approving the installation of a temporary traffic signal at the intersection of Vilamoura Street/Falcon Pointe Blvd. and Kelly Lane.

Action on the Consent Agenda

11. Discuss only

- 11A.** [2017-6222](#) Update regarding zoning and land use of property within the State Highway 130 and State Highway 45 Corridors.
- 11B.** [2017-6230](#) Discussion regarding engineering scope and cost estimates for proposed downtown capital improvements. (Requested by: Councilmember Jeff Marsh)
- 11C.** [2017-6114](#) Report on Texas Municipal League Annual Conference by Councilmember Doug Weiss and Mayor Victor Gonzales.
- 11D.** [2017-6232](#) Report on Texas Municipal League Region 10 meeting held in Leander, Texas on September 27, 2017 by Mayor Victor Gonzales.

12. Discuss and consider action

- 12A.** [2017-6175](#) Discuss and consider action to approve an agreement with CP&Y, Inc. in the amount of \$366,631.00 for professional engineering services associated with the design, bidding and construction administration for the SH 130 and SH 45 Water and Wastewater Extensions Project and authorizing the City Manager to execute the agreement.
- 12B.** [2017-6215](#) Discuss and consider action regarding future agenda items.
- 12C.** [RES-0456](#) 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 acquisition of property owned by Henna 735 LLC for the Weiss Lane Roadway Project. 2.) Open Session Item: Discuss and consider action to approve a resolution with the caption

reading: A RESOLUTION 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 0.7272 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.1139 ACRES OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 16.6069 ACRES IN DEED TO 735 HENNA LLC, OF RECORD IN DOCUMENT NO. 2013195014, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY HENNA 735 LLC; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

- 12D.** [RES-0463](#) 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 acquisition of property owned by KellyWeiss, LLC for the Weiss Lane Roadway Project. 2.) Open Session Item: Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION 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 0.4431 OF ONE ACRE OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.0634 OF ONE ACRE OF LAND FOR A PERMANENT DRAINAGE EASEMENT OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2.026 ACRES IN DEED TO KELLYWEISS LLC, OF RECORD DOCUMENT NO. 2017072497, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING PROPERTY OWNED AND CLAIMED BY KELLYWEISS LLC; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

- 12E.** [2017-6229](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation of the Municipal Judge. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the Municipal Judge.

13. Discuss Only

- 13A.** [2017-6214](#) 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 regarding:

- A. Project Leonidas
- B. Project Amazon
- C. Project North
- D. Costco

- 13B.** [2017-6216](#) 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 related to:
- A. Weiss Lane Roadway Project
- 13C.** [2017-6243](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding local, state and federal laws concerning current use of property located at 911 Ramble Creek Drive.
- 13D.** [2017-6227](#) 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.

14. Adjourn

Executive sessions held during this meeting will take place in Suite 500 or 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 October 6, 2017 at 5:00 PM pursuant to Section 551.041, Government Code.

Karen Thompson, City Secretary

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