



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, January 14, 2014

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.** [2014-2586](#) Proclamation declaring January 2014 as School Board Recognition Month in the City of Pflugerville.
- 3B.** [2014-2637](#) Recognition presentation to the Sharks soccer team for the achievement of winning third place in the Fall 2013 State Championship.
- 3C.** [2014-2513](#) Recognition presentations for incoming and outgoing members of the Board of Adjustment, Library Board, Parks and Recreation Commission, Personnel Appeal Board, Pflugerville Community Development Corporation, Planning and Zoning Commission, and Finance and Budget Committee.
- 3D.** [2014-2652](#) Presentation recognizing the Pflugerville Police Dispatch staff for their performance during the City of Austin 9-1-1 outage.

4. Public Hearing and Ordinance First Reading

- 4A.** [ORD-0187](#) Conduct a public hearing and consider an ordinance on first reading regarding modifications to the 2030 Comprehensive Plan by adding the proposed Water Master Plan and Wastewater Master Plan as elements of the overall comprehensive plan with the caption reading: AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF ORDINANCES FOR THE CITY OF PFLUGERVILLE, TEXAS, BY AMENDING THE FOURTH POLICY CHAPTER OF THE 2030 COMPREHENSIVE PLAN TO UPDATE THE ELEMENTS OF THE OVERALL PLAN TO INCLUDE THE WATER MASTER PLAN DATED

NOVEMBER 2013 AND UPDATED WASTEWATER MASTER PLAN DATED SEPTEMBER 2013; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5. 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.

6. Approval of Minutes

- 6A. [2014-2589](#) Approval of the minutes of the November 19, 2013 Special City Council Meeting, December 10, 2013 Regular City Council Meeting, December 16, 2013 Special City Council Meeting and December 21, 2013 Special City Council Meeting.

7. Ordinance Second Reading

- 7A. [ORD-0186](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FOURTH AMENDMENT TO THE FISCAL YEAR 2012-2013 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

8. Resolution

- 8A. [RES-0177](#) Approving a RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS TO JOIN THE CLEAN AIR COALITION AND AUTHORIZE THE IMPLEMENTATION OF THE OZONE ADVANCE PROGRAM ACTION PLAN MEASURES.

9. Other Actions

- 9A. [2014-2602](#) Authorizing the City Manager to execute an Oncor Electric Encroachment Easement Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the necessary water and wastewater easement associated with the Bohls Commercial Park Subdivision (Hawaiian Falls Water Park).

- 9B. [2014-2631](#) Approving an amendment to the Reclaimed Water Master Plan professional services agreement with DCS Engineering, LLC to amend the original agreement's scope of services, timeline and fee, for an additional cost of \$70,600 for the preparation of water and wastewater operating permit renewal applications required by the Texas Commission on Environmental Quality (TCEQ) and authorizing the City Manager to execute the agreement.
- 9C. [2014-2580](#) Receive report on City Council, Commission, Board and Committee expenditures for December 2013.
- 9D. [2014-2636](#) Appointing Ms. Sue Lee Flores as regular member of the Library Board for an unexpired term ending December 31, 2014.

Action on the Consent Agenda

10. Discuss and consider action

- 10A. [2014-2598](#) Discuss and consider action to award the construction contract for the Lake Pflugerville North Shore Parking Expansion project to Austin Constructors LLC, determined by staff to be the lowest responsible bidder of 7 bids received on Monday November 22, 2013, in the amount of \$129,834 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.
- 10B. [2014-2630](#) Discuss and consider action to reject all bids or award the construction contract for the Immanuel Road Skate Spot project to Misiano Construction & Remodeling Inc., the lowest responsive bidder of 2 bids received on December 30, 2013, in the amount of \$72,800 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.
- 10C. [2014-2646](#) Discuss and consider action regarding Capital Improvement Program (CIP) Transportation and Parks projects for a possible May 2014 bond election.
- 10D. [2014-2634](#) Discuss and consider action to approve a supplemental agreement with Freese and Nichols, Inc. in the amount of \$403,863 for professional engineering services associated with design, bidding, and construction administration of the Pfennig Pump Station and Ground Storage Project and authorizing the City Manager to execute the agreement.
- 10E. [2014-2587](#) Discuss and consider action regarding future agenda items.
- 10F. [2014-2642](#) Executive Session Item: Discussion 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 a Fourth Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts in Travis County MUD 17 (Sorento) generally located east of Weiss Lane between Jesse Bohls Road and Hidden Lake Crossing. Open Session Item: Discuss and consider action to approve a Fourth Amendment to the Development Agreement regarding Bohls North and PCDC Tracts in Travis County MUD 17 (Sorento) generally located east of Weiss Lane between Jesse Bohls Road and Hidden Lake Crossing.

- 10G.** [2014-2584](#) Executive Session Item: Discussion 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 Project Morpheus. 2.) Open Session Item: Discuss and consider action regarding Project Morpheus.
- 10H.** [2014-2655](#) 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. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.
- 11. Discuss only**
- 11A.** [2014-2585](#) 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.
- 11B.** [2014-2583](#) 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.
- 11C.** [2014-2654](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Texas Government Code Chapter 551.071 regarding subpoenas to be issued for city personnel and related legal matters in *McCaffrey v. Alexander*, et al. filed in County Court at Law No. 2, Travis County, Texas.
- 11D.** [2014-2582](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding considerations related to the appointment, performance evaluation and duties of City Attorney.

12. 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 January 8, 2014, 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.