



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, June 23, 2015

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. [2015-4035](#) Presentation on Pflugerville Pfirecracker Pfestival 2015.

3B. [2015-4022](#) Presentation of the Texas Association of Municipal Information Officers awards.

3C. [2015-3961](#) Presentation of Pflugerville 2015 Resident Survey Results.

4. Public Hearings

4A. [2015-3914](#) Conduct the first of two required public hearings and receive feedback regarding the Community Development Block Grant (CDBG) program Action Plan for 2015.

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. [2015-4007](#) Approval of the minutes of the June 9, 2015 Worksession and Regular Meeting.

7. Ordinance Second Reading

- 7A. [ORD-0255](#) 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 TWO SEPARATE TRACTS CONSISTING OF APPROXIMATELY 38.465 ACRES OF LAND OUT OF THE JOHN VAN WINKLE SURVEY NO. 14, AND APPROXIMATELY 6.279 ACRES OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT 791, FROM GENERAL BUSINESS 1 (GB1) AND AGRICULTURE/CONSERVATION (A) DISTRICTS TO PLANNED UNIT DEVELOPMENT (PUD); TO BE KNOWN AS THE COMMONS AT HEATHERWILDE AND PECAN PLANNED UNIT DEVELOPMENT (REZ1503-03); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

8. Resolutions

- 8A. [RES-0255](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG).
- 8B. [RES-0256](#) Approving a resolution with the caption reading, RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS SELECTING WEAVER TO PERFORM THE INDEPENDENT AUDIT OF THE CITY OF PFLUGERVILLE FOR FISCAL YEAR 2015.
- 8C. [RES-0244](#) Approving a resolution for an update to the Development Services Handbook, also referred to as the Unified Development Code Supplemental Schedule, incorporating all development review schedules, fees and structure of the development process.

9. Other Actions

- 9A. [2015-4029](#) Approving the Fifth Supplement and Amendment to Economic Development Agreement, Stone Hill Town Center regarding permitted

signage.

- 9B. [2015-4012](#) Approving the appointment of Ms. Jennifer Coffey as Library Director.
- 9C. [2015-4018](#) Authorizing the City Manager to execute a Public Wastewater Easement Agreement with Geraldine Timmermann and the City of Pflugerville for the wastewater infrastructure associated with the Shops at 685 project located west of FM 685 between East Pflugerville Parkway and Town Center Drive.
- 9D. [2015-4026](#) Authorizing the City Manager to execute a Conditional Purchase Agreement and Special Warranty Deed agreement between Continental Homes of Texas, L.P. and the City of Pflugerville for the utility and roadway construction associated with the Heatherwilde Widening and MUD#5 Phase 1 Water Main projects.
- 9E. [2015-4036](#) Approving a commercial buyer/tenant representation agreement with Don Quick & Associates (Charles Harvey) and authorizing the City Manager to execute same.

Action on the Consent Agenda

10. Discuss and consider action

- 10A. [2015-4013](#) Discuss and consider action to award a construction contract for the Pfluger Farm Lane Phase B project to Chasco Constructors, LTD, the lowest responsive bidder of four bids received on June 12, 2015, in the amount of \$2,894,996.25.
- 10B. [2015-4014](#) Discuss and consider action to approve an agreement with Klotz Associates Inc. in the amount of \$278,448.13 for professional engineering services associated with design, bidding and construction administration for the Travis County-City of Pflugerville inter local Rowe Lane roadway project and authorizing the City Manager to execute the agreement.
- 10C. [2015-4016](#) Discuss and consider action to approve an agreement with Studio 16:19 LLC in the amount of \$115,447.00 for professional services associated with the preliminary design and environmental analysis for the Highland Park North Park Development project and authorizing the City Manager to execute the agreement.
- 10D. [2015-4025](#) Discuss and consider action to award a construction contract for the Pfennig Lane and Pflugerville Parkway Water Extension project to M.A. Smith Contracting Company, Inc., the lowest responsive bidder of eight bids received on June 15, 2015, in the amount of \$1,075,274.40.
- 10E. [2015-4005](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning a development agreement with the Pflugerville Independent

School District. 2.) Open Session Item: Discuss and consider action to approve a development agreement with the Pflugerville Independent School District.

- 10F.** [2015-4031](#) 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 property acquisition for the Sports Complex 2014 General Obligation Bond Project. 2.) Open Session Item: Discuss and consider action regarding property acquisition for the Sports Complex 2014 General Obligation Bond Project.

- 10G.** [2015-4033](#) 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 regarding a proposed revised Economic Development Agreement between JG Media, Inc., MRS Holdings, Inc. and City of Pflugerville dated December 18th, 2012. 2.) Open Session Item: Discuss and consider action to approve a substitute agreement replacing a current Economic Development Agreement between JG Media, Inc., MRS Holdings, Inc., and City of Pflugerville dated December 18th, 2012, adding a party (JJ Garrett Holdings, LLC) and modifying the Facility to include an expansion project.

- 10H.** [2015-4027](#) 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 property acquisition for the Heatherwilde Widening Capital Improvement Project related to third party legal fees, appraisal property damages and negotiations. 2.) Open Session Item: Discuss and consider action regarding property acquisition for the Heatherwilde Widening Capital Improvement Project related to third party legal fees, appraisal property damages and negotiations.

11. Ordinance First Reading

- 11A.** [ORD-0257](#) 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 property acquisition for the Heatherwilde Widening Capital Improvement project. 2.) Open Session Item: Discuss and consider action to approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY

MANAGER'S DESIGNEE TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A 0.910 ACRE TRACT SITUATED IN THE PETER CONRAD SURVEY NO.71, ABSTRACT NO.200, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF TWO TRACTS, A CALLED 1.99 ACRE TRACT DESCRIBED AS TRACT 1 AND A CALLED 9.26 ACRE TRACT DESCRIBED AS TRACT 2, BOTH PARCEL 5, EXHIBIT A-2 IN A SPECIAL WARRANTY DEED TO THE RADY FAMILY TRUST, AND RECORDED IN VOLUME 12328, PAGE 182 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, REAL PROPERTY OWNED AND CLAIMED BY RADY FAMILY TRUST TOGETHER WITH REALTRON INC.; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

12. Discuss only

- 12A.** [2015-4008](#) 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.
- 12B.** [2015-4009](#) 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.
- 12C.** [2015-4010](#) 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.
- 12D.** [2015-4030](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning the status of the Wildflower / Carmel Development Agreement.

13. 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 June 19, 2015, 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.