



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, January 12, 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. Presentations

- 3A.** [2016-4546](#) Proclamation declaring January 2016 as School Board Recognition Month in the City of Pflugerville.
- 3B.** [2016-4547](#) Recognition presentations for incoming and outgoing members of the Finance and Budget Committee, Parks and Recreation Commission, Planning and Zoning Commission, Library Board, Board of Adjustment, Pflugerville Community Development Corporation (PCDC) Board, Personnel Appeal Board, Charter Review Commission, and Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ).
- 3C.** [2016-4535](#) Recognition of three awards from the Central Texas Crime Prevention Association to the City of Pflugerville.
- 3D.** [2016-4536](#) Presentation on details of the New Open Carry Law.

4. Public Hearings

- 4A.** [ORD-0279](#) Hold a public hearing on a voluntary request for annexation by CE Development Inc. for the full purpose annexation of approximately 443.692 acres of land located just east of Weiss Lane, immediately east of the PflSD High School 4 tract of land with limited frontage on Jesse Bohls Road as well as East Pecan Street/Cameron Road. (ANX1511-01)
- 4B.** [ORD-0282](#) Hold a public hearing on annexation of city owned property for the full purpose annexation of approximately 177 acres of land located along

East Pecan/Cameron Road known as the Pflugerville Athletic Complex Annexation (ANX1511-002).

5. Public Hearing and Ordinance First Readings

- 5A.** [ORD-0278](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption: 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 BASE ZONING DESIGNATION OF A 27.066 ACRE TRACT OF LAND SITUATED IN THE THOMAS G. STEWART SURVEY NO. 6, PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED ALONG THE SOUTHEAST CORNER OF THE INTERSECTION OF SH 45 AND NORTH HEATHERWILDE BOULEVARD FROM CORRIDOR URBAN LEVEL 4 (CL4) TO CAMPUS INDUSTRIAL (CI), AND REPEALING THE HIGHLAND PARK INDUSTRIAL SPECIAL DISTRICT APPROVED BY CITY ORDINANCE NO. 957-08-07-22; TO BE KNOWN AS THE HEATHERWILDE BUSINESS PARK REZONING (REZ1511-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; 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.** [2016-4551](#) Approval of the minutes of the December 8, 2015 Worksession and Regular Meeting.

8. Ordinances First Reading

- 8A.** [ORD-0283](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES, CHAPTER 151(A) AND (B)(6) OF CHAPTER 151 FLOOD DAMAGE PREVENTION TO REDESIGNATE THE DEVELOPMENT ENGINEERING DIRECTOR

AS THE FLOODPLAIN ADMINISTRATOR AND REDESIGNATING THE PROPER STATE AGENCY FOR NOTIFICATION; REPEALING AND REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

9. Ordinances Second Reading

- 9A. [ORD-0280](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE TEXAS AMENDING PROVISIONS OF CHAPTER 130 ENTITLED OFFENSES AGAINST CITY REGULATIONS; SECTION 130.08 ENTITLED GRAFFITI; REVISING NOTICE REQUIREMENTS; PROVIDING FOR EXCEPTIONS FROM ENFORCEMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

10. Ordinances Third Reading

- 10A. [ORD-0275](#) Approving an ordinance on third reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL WASTE & RECYCLING, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

11. Resolutions

- 11A. [RES-0287](#) Approving a resolution directing staff to initiate non-annexation development agreement offers to eligible owners of land appraised for ad valorem tax purposes as land for agricultural use under Chapter 23, Tax Code.
- 11B. [RES-0288](#) Approving a resolution authorizing the City Manager to execute a Release and Vacation Instrument to vacate a portion of an existing wastewater easement within the Highland Park residential subdivision.
- 11C. [RES-0289](#) Approving a resolution with the caption reading: A RESOLUTION AUTHORIZING THE CITY TO POST NOTICES AT THE ENTRANCES TO BUILDINGS OWNED OR LEASED BY THE CITY OF PFLUGERVILLE PROHIBITING CONCEALED OR OPENLY CARRIED HANDGUNS AS PROVIDED BY STATE LAW AND TO POST NOTICES ADVISING THE PUBLIC OF THE PROHIBITION OF CARRYING A HANDGUN IN CITY FACILITIES THAT HOUSE THE MUNICIPAL COURT AND COURT OFFICES.

12. Other Actions

- 12A.** [2016-4525](#) Authorizing the City Manager to Execute a Public Wastewater Easement Agreement with Terrabrook Falcon Pointe, LLC and the City of Pflugerville for a wastewater line to serve the Falcon Pointe commercial development.
- 12B.** [2016-4526](#) Authorizing the City Manager to execute a Public Drainage Easement Agreement with Terrabrook Falcon Pointe, LLC and the City of Pflugerville for a stormwater line to serve the Falcon Pointe commercial development.
- 12C.** [2016-4584](#) Authorizing the City Manager to execute a Public Drainage Easement Agreement with The Property Owners of Spring Trails (Pflugerville) Association, Inc. and the City of Pflugerville for a stormwater line to serve the Emerson Apartment project.
- 12D.** [2016-4542](#) Accepting and authorizing the City Manager to enter into a 0.0458-acre Public Access Easement Agreement with Infinity Paws, LLC for Lot 2, Block A, Wilke Ridge Subdivision Final Plat associated with the development of the Doggy Day Out Site Plan, the site generally located along Wilke Ridge Lane, north of W. Pflugerville Parkway.
- 12E.** [2016-4537](#) Approving the application of Councilmember Mike Heath to serve on a Capital Area Metropolitan Planning Organization (CAMPO) Interdisciplinary team for the development of policy supporting walking and walkability.
- 12F.** [2016-4549](#) Receive report on City Council, Commission, Board and Committee expenditures for December 2015.
- 12G.** [2016-4558](#) Approving the selection of Ichor Construction, Inc. for the construction of the Pflugerville Public Library Renovations.

Action on the Consent Agenda**13. Discuss and consider action**

- 13A.** [2016-4539](#) Conduct introductions and take action to appoint an alternate member to the Parks and Recreation Commission for a term ending December 31, 2016.
- 13B.** [2016-4459](#) Discuss and consider action to authorize the City Manager to execute the First Amendment to Retail Sales Agreement, an interlocal agreement for electric service, between the City of Pflugerville and the General Land Office.
- 13C.** [2016-4469](#) Discuss and consider action to approve an agreement with Schrickel, Rollins and Associates (SRA) to develop a Community Park Master Plan including professional services for the design, bidding and construction

administration for the early completion of a practice facility and and authorizing the City Manager to execute the agreement.

- 13D.** [2016-4543](#) Discuss and consider action to award a construction contract for the Sorento/Carmel Force Main project to Aaron Concrete Contractors, LP, the lowest responsible bidder of nine (9) bids received on December 17, 2015, in the amount of \$1,521,887.40.
- 13E.** [2016-4544](#) Discuss and consider action to award a construction contract for the North Travis County Municipal Utility District #5 (NTCMUD#5) Water Distribution Service Project Phase 2 to Protia, Inc. - Austin, Texas, the lowest responsible bidder of seven (7) bids received on December 17, 2015, in the amount of \$1,268,803.00.
- 13F.** [2016-4545](#) Discuss and consider action to approve a supplemental agreement #1 with LJA Engineering, Inc. in the amount of \$641,296.00 for professional engineering services associated with the Weiss Lane Roadway Reconstruction project and authorizing the City Manager to execute the agreement.
- 13G.** [2016-4550](#) Discuss and consider action regarding future agenda items.
- 13H.** [ORD-0284](#) 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 for discussion regarding the acquisition of real property for the Weiss Lane Project and necessary condemnation proceedings. 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, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF THREE TRACTS OF LAND TOTALING 15,021 SQUARE FEET; BEING A 6,676 SQUARE FOOT TRACT; A 3,338 SQUARE FOOT TRACT; AND A 5,007 SQUARE FOOT TRACT; ALL THREE TRACTS OF LAND SITUATED IN THE JOSEPH WEIHL SURVEY NO. 8, ABSTRACT 802, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 2.0 ACRE TRACT DESCRIBED AS TRACT 2 IN A SPECIAL WARRANTY DEED CONVEYED TO IRBY MAX FORD, OF RECORD IN VOLUME 11526, PAGE 796, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; REAL PROPERTY OWNED AND CLAIMED BY IRBY MAX FORD; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS.

14. Discuss only

- 14A.** [2016-4553](#) 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.
- 14B.** [2016-4552](#) 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.
- 14C.** [2016-4554](#) 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.
- 14D.** [2016-4560](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding provisions of the Sorento development agreement.
- 14E.** [2016-4561](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding land use regulations governing the Pflugerville Independent School District (PflISD) stadium project/Timmerman Elementary School project.
- 14F.** [2016-4562](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice related to the status of, possible amendment of and any supplemental agreements needed regarding Pflugerville Community Development Corporation (PCDC) corporate documentation, operation and governance.

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 January 8, 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.