



# City of Pflugerville

## Meeting Agenda - Final

### City Council

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Tuesday, October 13, 2015

7:00 PM

100 East Main Street, Suite 500

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#### 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.** [2015-4344](#) Mayor's proclamation declaring October 18, 2015 to October 24, 2015 as National Teen Driver Safety Week in the City of Pflugerville.
- 3B.** [2015-4283](#) Presentation of Planning Awards for the City of Pflugerville including the 2015 Planning Excellence Award and designation as a Gold Scenic City.
- 3C.** [2015-4188](#) Invitation to all Pflugerville citizens to come to the Pfall Chili Pfest on Saturday, October 17, 2015.
- 3D.** [2015-4187](#) Update on Senior Programs in the Parks and Recreation Department.
- 3E.** [2015-4296](#) Presentation of final report of the Pflugerville Senior Advisory Task Force.

**4. Public Hearing and Ordinance First Reading**

- 4A.** [ORD-0266](#) 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 ZONING DESIGNATION FROM AGRICULTURE / CONSERVATION (A) TO CORRIDOR URBAN CENTER LEVEL 5 (CL5) ON 75.3 ACRES OF LAND SITUATED IN THE T.S. BARNES SURVEY NO. 46, ABSTRACT NO. 267, PFLUGERVILLE, TRAVIS COUNTY, TX, GENERALLY LOCATED ALONG THE SOUTH SIDE OF EAST PECAN STREET, WEST OF

THE INTERSECTION OF SH 130 AND EAST PECAN STREET; TO BE KNOWN AS THE 130 COMMERCE PARK PHASE 2 REZONING (REZ1508-01), 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. [2015-4305](#) Approval of the minutes of the September 15, 2015 Special Meeting; September 22, 2015 Worksession and Regular Meeting; and September 29, 2015 Special Meeting.

## 7. Ordinances Second Reading

- 7A. [ORD-0265](#) 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 (GRAND AVENUE PKWY, PFENNIG LN, AND PICADILLY DR), SUBJECT TO THE MISDEMEANOR OF SPEEDING AND THE IMPOSITION OF PENALTIES OF UP TO \$200, ESTABLISH PRIMA FACIE MAXIMUM SPEEDS, AND PROVIDING AN EFFECTIVE DATE.

## 8. Other Actions

- 8A. [2015-4302](#) Authorizing the City Manager to execute a purchase agreement between Hill Country Bible Church Pflugerville and the City of Pflugerville for an easement necessary for utility construction associated with the NTCMUD#5 Phase 2 Project.
- 8B. [2015-4304](#) Authorizing the City Manager to execute a Public Water Easement Agreement with TAT PF RE LLC and the City of Pflugerville for a water meter associated with the Primrose School at Falcon Pointe project.
- 8C. [2015-4307](#) Authorizing the City Manager to execute a utility relocation agreement in the amount not to exceed \$211,073 between the ATMOS Energy Corporation and the City of Pflugerville for the gas main relocation

associated with the Heatherwilde Road Widening Project.

- 8D. [2015-4306](#) Receive report on City Council, Commission, Board and Committee expenditures for September 2015.
- 8E. [2015-4318](#) Approving a supplemental agreement #3 with Freese and Nichols, Inc. in the amount of \$69,461 for professional engineering services associated with the purchase of an emergency generator at the Pfennig Pump Station for the Heatherwilde Elevated Storage Tank Project.
- 8F. [2015-4316](#) Authorizing the City Manager to execute a contract with Brenntag SW, Inc. for the purchase of aluminum sulfate, a chemical used for treating wastewater in the amount of \$.58/gallon; liquid ammonium sulfate which is used at the water treatment plant in the amount of \$.086/pound; liquid ammonium sulfate for use in water wells in the amount of \$168/drum; salt for the water treatment plant in the amount of \$193.00/ton; and sodium hyperchlorite used in water treatment in the amount of \$95.00/drum.
- 8G. [2015-4317](#) Authorizing the City Manager to execute a contract with Polydyne Inc. for the purchase of Clarifloc C-6232 Polymer in the amount of \$2,047/tote for wastewater treatment.
- 8H. [2015-4319](#) Authorizing the City Manager to execute a contract for the purchase of sodium bisulfite for the water and wastewater treatment plants with Napco Chemical Company in the amount of \$1.90 per gallon.
- 8I. [2015-4320](#) Authorizing the City Manager to execute a contract with DPC Industries, Inc. for the purchase of chlorine, a chemical used for treating wastewater, in the amount of \$590.00/ton.
- 8J. [2015-4321](#) Authorizing the City Manager to execute a contract with Lonestar Maintenance and Service for the purchase of chlorine for the water wells in the amount of \$100.00/cylinder.
- 8K. [2015-4322](#) Authorizing the City Manager to execute a contract for the purchase of aluminum chlorhydrate solution with Gulbrandsen Technologies in the amount of \$.1827 per pound.
- 8L. [2015-4325](#) Ratifying the City Manager's approval of a joint elections agreement for elections to be held on November 3, 2015 by Travis County.

## Action on the Consent Agenda

### 9. Discuss and consider action

- 9A. [2015-4303](#) Discuss and consider action to award a construction contract for the Pflugerville Turn Lane project to Cox Commercial Construction, the lowest responsive bidder of six (6) bids received on September 25, 2015, in the amount of \$456,016.60.

- 9B.** [2015-4254](#) Discuss and consider action to approve an Interlocal Agreement between Capital Metropolitan Transportation Authority (CMTA) and the City of Pflugerville to create a Transit Development Plan.
- 9C.** [2015-4252](#) Discuss and consider action to approve a Professional Services Agreement with The Goodman Corporation (TGC) in the amount of \$167,000 to assist with the development of a transportation center, advise on Federal Transit Grantee Status and develop a vehicles for hire ordinance.
- 9D.** [2015-4324](#) Discuss and consider action regarding future agenda items.
- 9E.** [2015-4274](#) 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 and the City's consideration of petition(s) seeking consent to create municipal utility districts to support the development. 2.) Open Session Item: Discuss and consider action regarding the Wildflower / Carmel Development Agreement and petition(s) seeking consent to create municipal utility districts to support the development, and authorizing City Manager to accept all related easements as described in the Development Agreement.
- 9F.** [2015-4292](#) 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. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.

## **10. Resolutions**

- 10A.** [RES-0269](#) 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 regarding a Pflugerville Community Development Corporation (PCDC) performance agreement with Medway Plastics Corporation. 2.) Open Session Item: Discuss and consider action to approve a resolution authorizing a PCDC performance agreement with Medway Plastics Corporation.
- 10B.** [RES-0270](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code, deliberations regarding real property pursuant to Chapter 551.072 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 Pflugerville Community Development Corporation (PCDC) settlement agreement with TrackingPoint, Inc. 2.) Open Session Item: Discuss and consider action

to approve a resolution authorizing a PCDC settlement agreement with TrackingPoint, Inc. including provisions amending the Performance Agreement, and authorizing execution of all documents associated with same.

**11. Discuss only**

- 11A.** [2015-4166](#) Discuss creating and making appointments to a Charter Review Commission.
- 11B.** [2015-4311](#) 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.
- 11C.** [2015-4284](#) 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.
- 11D.** [2015-4312](#) 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.
- 11E.** [2015-4326](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding enforcement of city sign regulations in light of the United States Supreme Court decision in *Reed v. Town of Gilbert*.

**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 October 9, 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.