



# City of Pflugerville

## Meeting Agenda - Final City Council

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Tuesday, November 22, 2011

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. Presentation

- 3A. [2011-0920](#) Presentation highlighting the launch of Pflugervilletx.gov, the City's new website.

#### 4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0083](#) Hold a public hearing and consider an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PFLUGERVILLE, TEXAS BY ADDING SUBCHAPTER 158, STORM WATER POLLUTION CONTROL ORDINANCE; REGULATING THE DISCHARGE OF POLLUTANTS INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR CONVEYANCES; ESTABLISHING A FINE OF NO MORE THAN \$2,000 FOR ANY VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (CA1110-01)

#### 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. [2011-0918](#) Approval of the minutes of the November 1, 2011 Special Meeting, November 3, 2011 Special Meeting, and November 8, 2011 Worksession and Regular Meeting.

### 7. Ordinances First Reading

- 7A. [ORD-0086](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL TEXAS REFUSE, 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.
- 7B. [ORD-0085](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO IESI TX CORPORATION. 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.
- 7C. [ORD-0084](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL SYSTEM, 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.

- 7D. [ORD-0087](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT OF TEXAS 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.
- 7E. [ORD-0088](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO REPUBLIC SERVICES, 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.

## 8. Ordinances Second Reading

- 8A. [ORD-0082](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, APPROVING THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ONE, CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLANS; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT.

## 9. Resolutions

- 9A. [RES-0060](#) Appointing Mr. Ron Beyer to Position 2 and Mr. Bob Dwyer to Position 4 of the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Board of Directors for two year terms ending December 14, 2013.
- 9B. [RES-0062](#) Approving a resolution supporting the proposed creation of a regional center for EB5 visas in the City of Pflugerville and its Extra Territorial Jurisdiction (ETJ).

## 10. Other Actions

- 10A. [2011-0913](#) Approve the appointment of Tom Word, Jr., PE as Assistant City Manager.
- 10B. [2011-0926](#) Approving a reimbursement request in the amount of \$23.00 by Mayor Jeff Coleman for business meeting expenses.

- 10C. [2011-0915](#) Authorizing the City Manager to execute an agreement with HDR Engineering, Inc. for Bid & Construction Phase Services and Additional Bridge Inspection Services for the Pflugerville Parkway East Widening (from FM 685 to SH 130) project in an amount not to exceed \$79,695.00 as total compensation. This project is being funded through certificates of obligation issued in 2009.
- 10D. [2011-0821](#) Authorizing the City Manager to execute a contract with Lee Lewis Construction in the amount of \$4,038,740.00 for the expansion and renovation of the Pflugerville Community Library.
- 10E. [2011-0929](#) Authorizing Mayor Coleman to cast a ballot voting for Mr. Rico Reyes for the Board of Directors of the Travis Central Appraisal District (TCAD) for a two-year term beginning January 1, 2012.

### Action on the Consent Agenda

#### 11. Discuss and consider action

- 11A. [2011-0917](#) Discuss and consider action regarding future agenda items.
- 11B. [2011-0914](#) 1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a Pflugerville Community Development Corporation performance agreement for DPS Megacenter and a City of Pflugerville Chapter 380 agreement for DPS Megacenter. 2.) Open Session Item: Discuss and consider action regarding a Pflugerville Community Development Corporation performance agreement for DPS Megacenter and a City of Pflugerville Chapter 380 agreement for DPS Megacenter.
- 11C. [2011-0919](#) 1.) Executive Session Item: Consultation with legal counsel regarding agreements with Manville Water Supply Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding agreements with Manville Water Supply Corporation.
- 11D. [2011-0889](#) A1.) Executive Session Item: Consultation with legal counsel regarding approving Consent to Assumption of New Sweden Development agreement to Graham Mortgage Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding approving Consent to Assumption of New Sweden Development agreement to Graham Mortgage Corporation.

- 11E. [2011-0927](#) A1.) Executive Session Item: Consultation with legal counsel regarding approving a waterline easement for Cross County Water Supply Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding approving a waterline easement for Cross County Water Supply Corporation .
- 11F. [2011-0807](#) 1.) Executive Session Item: To deliberate upon the appointment/employment of the City Attorney and to consider a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 pursuant to Chapter 551.074 of the Texas Government Code . 2.) Open Session Item: Discuss and consider action to approve a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. as City Attorney effective November 9, 2011 and authorizing the City Manager to execute same.

## 12. Adjourn

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 November 16, 2011 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 990-6101 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 272-9116 or may utilize the statewide Relay Texas program at 1-800-735-2988.