



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, September 28, 2021

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

The City Council is scheduled to hold a Worksession starting at 6:00 p.m. Please see the Worksession agenda for a list of items for discussion at the Worksession.

1. **Call to order**

2. **Opening**

A. Pledge of Allegiance to the Flag of the United States of America

B. Pledge of Allegiance to the Texas State Flag

C. Moment of Silence

3. **Items of Community Interest**

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without having given notice of the subject of the announcement. "Items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

4. **Presentation**

- 4A. [2021-0988](#) Mayor's proclamation declaring September 15, 2021 to October 15, 2021 as Hispanic Heritage Month in the City of Pflugerville.

- 4B. [2021-0773](#) Mayor's proclamation declaring Tuesday, October 5, 2021 as National Night Out in the City of Pflugerville.
- 4C. [2021-1035](#) Mayor's proclamation declaring October 2021 as National Chiropractic Health Month.
- 4D. [2021-1038](#) Legislative update and discussion with Focused Advocacy representatives.

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.

6. Executive Session

- 6A. [2021-1030](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation and employee agreement of the City Manager. 2.) Open Session Item: Discuss and consider action related to the employee agreement between Sereniah Breland and the City of Pflugerville.
- 6B. [2021-0992](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code to seek advice of legal counsel regarding the civil lawsuit Alicia Fitzpatrick v. City of Pflugerville, Cause No. D-1-GN-21-002394; and Alicia Fitzpatrick v. Pflugerville Police Department TWCCRD Charge No. 1B21212 and EEOC Charge No. 31C-2021-01169. 2.) Open Session Item: Discuss and consider action regarding litigation and charge: Alicia Fitzpatrick v. City of Pflugerville, Cause No. D-1-GN-21-002394; and Alicia Fitzpatrick v. Pflugerville Police Department TWCCRD Charge No. 1B21212 and EEOC Charge No. 31C-2021-01169.
- 6C. [2021-1020](#) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding ordinance to amend the wastewater rates for various special districts.
- 6D. [2021-1029](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding expansion of Travis County Emergency Services District (ESD) No. 17; legal advice concerning the City's authority and options for the provisions of fire, rescue, and emergency medical services to Pflugerville citizens; Including the litigation in, *In Re City of Pflugerville, Texas, et al.* filed in the Third Court of Appeals and the Texas Supreme Court, and *David Rogers, et al v. Travis County Emergency Services District No. 17, et al* filed in the Travis County Judicial District Court. 2.) Open Session Item: Discuss and consider action regarding the litigation, expansion of Travis County

Emergency Services District (ESD) No. 17, or other legal options for providing fire, rescue, and emergency medical services to Pflugerville citizens.

7. Ordinance First Reading

- 7A. [ORD-0613](#) Discuss and consider an ordinance on first reading with the caption reading: An Ordinance amending the City's Code of Ordinances establishing a franchise requirement for providing emergency services within the City limits of Pflugerville; Providing for a penalty for violation therefore; and providing for an effective date.

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.

8. Ordinance First Reading

- 8A. [ORD-0614](#) Approving an ordinance as amended on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas amending rates for wastewater customers of all districts identified herein; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date

9. Ordinances Second Reading

- 9A. [ORD-0596](#) Approving an ordinance on second reading with a 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 an approximate 16.759-acre tract of land, roughly 11 tracts of land, out of the Peter Conrad Survey No. 71, Abstract No. 200, in Pflugerville, TX from General Business 2 (GB2) District, General Business 1 (GB1) District, and Light Industrial (LI) District to Single-Family Mixed-Use (SF-MU) District; to be known as the 18516 N Heatherwilde Rezoning (REZ2106-04); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. Generally located southwest of the New Meister Lane and North Heatherwilde Boulevard intersection.
- 9B. [ORD-0603](#) Approving an Ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Granting the use of City Property by Easement totaling approximately 0.055 Acres (2,384 Square Foot) of land out of the T.S. Barnes Survey No.46, Abstract No. 267 in Travis County, Texas; Being a portion of that called 19.00 Acre Tract of

Land Described in Warranty Deed to the City of Pflugerville, Texas Recorded In Volume 9236, Page 962 of the Real Property Records of Travis County, Texas Said 0.055 Acre (2,384 Square Foot) parcel. (Oncor Easement at the Central Wastewater Treatment Plant)

10. Approval of Minutes

- 10A. [2021-0995](#) Approval of the minutes of the September 14, 2021 Worksession and Regular Meeting and September 21, 2021 Special Meeting.

11. Other Actions

- 11A. [2021-0965](#) Authorizing the City Manager to approve the purchase of equipment from AVI-SPL LLC in the amount of \$77,210.82 in support of PFTV broadcasting.
- 11B. [2021-0996](#) Approving the selection of Halff and Associates, Kimley-Horn and Associates and LJA Engineering to provide professional services for the Traffic Signal Management projects and implementation of the Pflugerville Signal System Assessment and Improvement Plan and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.
- 11C. [2021-1000](#) Authorizing the City Manager to award a construction contract for the Colorado River Raw Water Intake Screens to Underwater Construction Corporation in the amount of \$254,756.
- 11D. [2021-1007](#) Approving a Boundary Line Agreement and Deed without Warranty and authorizing the City Manager to execute the same regarding Lot 2, First Replat of Lot 2 Pflugerville Industrial Park.

12. Resolution

- 12A. [RES-0924](#) Approving a Resolution with a caption reading: A Resolution of the City of Pflugerville, Texas accepting Stormwater Facilities Maintenance Covenants, Licenses and Agreements for Lifestyle Communities Pond Maintenance between LC Pflugerville, LLC and the City of Pflugerville.

Action on the Consent Agenda

13. Resolution

- 13A. [RES-0925](#) Discuss and consider action approving a resolution of the City of Pflugerville Adopting a Strategic Plan 2021-2025.

14. Discuss and consider action

- 14A. [2021-0864](#) Discuss and consider action to award a construction contract for the

Highland Park Wastewater Interceptor Project to D Guerra Construction the lowest responsible bidder of five (5) bids received on August 26, 2021, in the amount of \$2,168,090 and authorizing the City Manager to execute same.

- 14B. [2021-1001](#) Discuss and consider Amendment No. 1 to an Interlocal Agreement with Capital Metropolitan Transit Authority (CMTA).
- 14C. [2021-0931](#) Discuss and consider action regarding a proposal from Alpha Building Corporation for \$79,187.54 for removal of tenant improvements at the Development Services Center and authorizing the City Manager to execute necessary documents.
- 14D. [2021-0993](#) Discuss and consider authorizing the City Manager to purchase an emergency power generator and related switchgear for the Surface Water Treatment Plant Emergency Generator to Cummins Southern Plains, LLC in the amount of \$2,175,930.
- 14E. [2021-1046](#) Discuss and consider action regarding Deutschen Pfest Safety Protocols.

15. Discuss Only

- 15A. [2021-1034](#) Discussion regarding a small business program.
- 15B. [2021-1032](#) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code to receive legal guidance on zoning decisions.
- 15C. [2021-1017](#) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a proposed Pflugerville Community Development Corporation (PCDC) performance agreement for Project Flex Power.
- 15D. [2021-0994](#) Request to place item on future agenda.

16. Adjourn

Executive sessions held during this meeting will take place in Suite 500 or 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.

Sereniah Breland, City Manager

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 September 24, 2021 at 5:00 PM pursuant to Section 551.041, Government Code.

Trista Evans, 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 contact Ali Abdelfattah, Americans with Disabilities Act (ADA) Coordinator, at alia@pflugervilletx.gov or 512-990-6300 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.

