



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, July 10, 2012

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. Presentation

- 3A.** [2012-1299](#) Proclamation declaring July 10, 2012 as Micah Lawrence Olympian Day in the City of Pflugerville.

4. 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.

5. Approval of Minutes

- 5A.** [2012-1288](#) Approval of the minutes of the June 26, 2012 Worksession and Regular Meeting.

6. Resolutions

- 6A.** [RES-0091](#) Approving a resolution supporting the candidacy of Mayor Pro Tem

Victor Gonzales in the Texas Municipal League election for President-Elect.

- 6B.** [RES-0092](#) Approving a resolution amending the City of Pflugerville Engineering Design Guidelines to update Section 7 - Pollution Control to be in compliance with the City of Pflugerville Code of Ordinances Title XV Land Usage Chapter 158 Storm Water Pollution Control Ordinance and the City of Pflugerville's Municipal Separate Storm Sewer System (MS4) Phase II Permit.
- 6C.** [RES-0093](#) Approving a resolution to authorize the City of Pflugerville City Manager to execute an Interlocal Agreement with Travis County as a Participating Entity of the Capital Area Pavement Engineering Council (CAPEC) including city participation in an engineering consultant study to develop new pavement design specifications appropriate to conditions typical of the Blackland Prairie soils.

7. Ordinances Second Reading

- 7A.** [ORD-0110](#) Approving an ordinance on second reading with caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF LOT 1, BLOCK 1 OF THE E.W. PFLUGER ADDITION, CONSISTING OF 0.29 ACRES AND LOCALLY ADDRESSED AS 102 S. THIRD ST., FROM RETAIL (R) TO OFFICE 1 (O1) DISTRICT; TO BE KNOWN AS THE 102 S. THIRD ST. REZONING (REZ1205-01), AND PROVIDING AN EFFECTIVE DATE.

8. Other Actions

- 8A.** [2012-1283](#) Authorize the City Manager to execute an agreement with Kasberg, Patrick & Associates, LP for Professional Engineering Services to provide design, bidding, and construction administration associated with the Kelly Lane 24-inch Waterline that extends approximately 5,500 linear feet from the existing 18-in waterline crossing of Kelly Lane near Benning Drive to Moorlynch Avenue in an amount not to exceed \$61,500.00 as total compensation.
- 8B.** [2012-1289](#) Receive report on City Council, Commission, Board and Committee expenditures for June 2012.
- 8C.** [2012-1300](#) Approving a reimbursement request in the amount of \$474.76 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses and providing approval for Mayor Pro Tem Victor Gonzales' attendance of the Texas Municipal League Board Meeting in Conroe, Texas from June 21, 2012 to June 23, 2012 and related hotel expenses in the amount of \$415.84.

Action on the Consent Agenda**9. Discuss and consider action**

- 9A.** [2012-1285](#) Discuss and consider action regarding future agenda items.
- 9B.** [2012-1272](#) 1.)Executive Session Item: Deliberations regarding 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 regarding a proposed First Addendum to the Economic Development Agreement by and between the City of Pflugerville and Terrell Timmermann. 2.) Open Session Item: Discuss and consider action regarding a proposed First Addendum to the Economic Development Agreement by and between the City of Pflugerville and Terrell Timmermann.
- 9C.** [2012-1282](#) 1.)Executive Session Item: Deliberations regarding 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 regarding approving and restating the Economic Development Agreement for Arista Data Centers, LLC with the City of Pflugerville. 2.) Open Session Item: Discuss and consider action regarding approving and restating the Economic Development Agreement for Arista Data Centers, LLC with the City of Pflugerville.

10. Discuss only

- 10A.** [2012-1290](#) 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.
- 10B.** [2012-1291](#) 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.
- 10C.** [2012-1294](#) 1.) Executive Session Item: Deliberation regarding real property involving the negotiated terms for a lease and/or sale of property located at 102 South Third Street currently owned by the City pursuant to Section 551.072 of the Texas Government Code and consultation with the City Attorney pursuant to Section 551.071 of the Texas Government Code.
- 10D.** [2012-1297](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Manager.

11. 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 July 6, 2012, 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.