



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, April 13, 2021

7:00 PM

100 East Main Street, Suite 500

Regular Meeting (Telephone/Video Conference)

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, the City Council will conduct this Regular Meeting by telephone/video conference in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the COVID-19. There will be no public access to the location described above.

This Regular Meeting Agenda, and the Agenda Packet, are posted online at <https://pflugerville.legistar.com>

This telephonic/video meeting will be hosted through WebEx.
Meeting Link: <https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?MTID=e1159768fd7e9baec3b95772410414249>

Meeting Code/Number: 187 803 3823

Dial-in number: (US toll): = 1-408-418-9388

Public comment will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers must register to speak at least 2 hours in advance of the Regular Meeting. Speakers must call in at least 15 minutes prior to the start of the Regular Meeting in order to speak. Written comments may also be submitted 2 hours in advance of the meeting.

To register to speak or to submit written comments, please email citysecretary@pflugervilletx.gov at least 2 hours in advance of the Regular Meeting. Name and address must be included. Written comments are limited to 250 words.

A recording of the telephone/video meeting will be made, and will be available to the public upon written request.

The meeting will be available live for viewing on PFTV on the City website:
<https://www.pflugervilletx.gov/city-government/communications/pftv>

1. Call to order
2. 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 salutory 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 salutory 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.

3. Presentations

- 3A. [2021-0366](#) Mayor's proclamation declaring April 2021 as Volunteer Appreciation Month.
- 3B. [2021-0334](#) Engineering annual department presentation.

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.

5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0576](#) Conduct a public hearing and consider approving an annexation ordinance on first reading with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, a tract of land totaling approximately 1.416 acres of land situated in the T.S. Barnes Survey No. 46, Abstract No. 67, in Travis County, Texas, of the Real Property Records of Travis County, generally located south of E. Pecan Street and west of SH 130 and Biltmore Avenue; extending the boundaries of the City to include land; and to be zoned Agriculture / Development Reserve (A); to be known as the Hagn Timmerman 2021 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date.
- 5B. [ORD-0577](#) Conduct a public hearing and consider approving the first reading of an ordinance 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 approximately 33 acres, of unplatted land situated in the T.S. Barnes Survey No. 46, Abstract No. 67, in Travis County, Texas, from Agriculture/Development Reserve (A) district to Campus Industrial (CI) district; to be known as the RNDC Inc. Rezoning (REZ2101-03); providing for repeal of conflicting ordinances; providing for severability; and providing 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 will be heard under the public comment item. Each person providing public comment will be limited to 3 minutes.

6. Ordinances First Reading

- 6A. [ORD-0574](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas granting the lease of City property by easement totaling approximately 3.105 acres of land out of the J. Bray survey, abstract no. 373, in Travis County, Texas; more specifically described in four deeds to the City of Pflugerville, of record in document numbers 2006060407tr, 2012195160tr, 2019169055, and 2015165200 of the official public records of Travis County, Texas. (Granting an extended Temporary Easement to Atmos)
- 6B. [ORD-0580](#) Approving an Ordinance on first reading with the caption reading: An Ordinance of the City Of Pflugerville, Texas Granting the use of City Property by Easement totaling approximately 0.045 Acres (1,959 Square Foot) of land out of the Nathan Moore Survey No.45 In Travis County, Texas; Being a portion of said 19.71 Acre Tract Of Land Described In Warranty Deed To The City Of Pflugerville, Texas Recorded in Volume 9482, Page 894 Of The Real Property Records Of Travis County, Texas Said 0.045 Acre (1,959 Square Foot) Parcel.
- 6C. [ORD-0581](#) Approving an Ordinance on the first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, amending the City of Pflugerville, Texas Code of Ordinances, by amending Title VII Traffic Code, Chapter 71 Parking Regulations, Section 71.05 Parking Prohibited in certain designated areas by establishing an additional No Parking Zone on East Pflugerville Parkway; Providing for a violation of Section 71.05 as a Misdemeanor and a Fine amount not to exceed \$500.00; Providing that this Ordinance shall be cumulative; Repealing all Ordinances for Severability; and providing an effective date.

7. Ordinances Second Reading

- 7A. [ORD-0568](#) 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 Title VII Traffic Code, Chapter 72 Traffic Schedules, Section II Speed Limits on City Streets to add provisions for Biltmore Avenue and Helios Way; providing for a penalty for a violation of Chapter 72 as a Class C Misdemeanor and a fine in an amount not to exceed \$200.00; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

- 7B.** [ORD-0564](#) Approving an ordinance on second reading with the 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 approving a specific use permit for a multi-family mixed-use development on approximately 15-acres zoned Urban Center Corridor Level 4 (CL4) district located at the southwest corner of the E Pflugerville Parkway and Weiss Lane intersection, to be known as the Tacara at Weiss Ranch Specific Use Permit (SUP2009-01); providing a cumulative and repealer clause; providing for a non-severability clause; and providing an effective date.

8. Approval of Minutes

- 8A.** [2021-0328](#) Approval of the minutes of the March 23, 2021 Worksession and Regular Meeting and March 27, 2021 Worksession.

9. Resolutions

- 9A.** [RES-0849](#) Approving a resolution establishing a City of Pflugerville Purchasing Policy.
- 9B.** [RES-0850](#) Approving a resolution authorizing the City Manager or authorized designee the authority to execute contracts as approved in the budget in an amount up to \$50,000, and for contracts specifically approved in the authorized purchase list approved by City Council in the annual budget in the maximum amount of \$200,000.
- 9C.** [RES-0851](#) Approving a resolution accepting the fiscal year 2020 audit.
- 9D.** [RES-0853](#) Approving a resolution by the City of Pflugerville, Texas, regarding the application of Atmos Energy Corporation - Midtex Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the city to continue to participate in a coalition of cities known as the "Atmos Texas Municipalities;" determining that the meeting at which the resolution was adopted complied with the Texas open meetings act; making such other findings and provisions related to the subject; and declaring an effective date.
- 9E.** [RES-0852](#) Approving a resolution amending the City's adopted Water Conservation Plan.

- 9F. [RES-0854](#) Approving a resolution with the caption reading: A resolution of the City of Pflugerville, Texas, of no objection to the application by 138 Lofts LTD. to the Texas Department of Housing and Community Affairs for the 4% non-competitive housing tax credits program for the development of 138 Lots, a 324-unit multi-family rental housing development located on the southside of County Road 138 east of SH130, within the City's extra territorial jurisdiction.

10. Other Actions

- 10A. [2021-0327](#) Approving a professional expense reimbursement agreement by and between the City of Pflugerville and New Sweden Development and authorizing the City Manager to execute the agreement.
- 10B. [2021-0331](#) Authorize the City Manager to issue a purchase order to The Brandt Companies, LLC in the amount of \$113,716.00, utilizing Buy Board contract 638-21, for the replacement of the two air conditioning units at the Police Department.
- 10C. [2021-0333](#) Approving a Professional Services Supplemental Agreement with Halff Associates, Inc. in the amount of \$63,082.00 for professional engineering services associated with the Heatherwilde Subdivision Pavement Rehabilitation Project Phase II as part of the 2021 Pavement Maintenance Program and authorizing the City Manager to execute same.

Action on the Consent Agenda

11. Discuss and consider action

- 11A. [2021-0266](#) Discuss and consider action to award a construction contract for the Pflugerville Justice Center Evidence Facility Project to Majestic Services, Inc. the lowest responsible bidder of three (3) accepted bids received on March 9, 2021, in the amount of \$442,167.00 and authorizing the City Manager to execute same.
- 11B. [2021-0324](#) Discuss and consider action to approve a Professional Service Agreement with LJA Engineering, Inc. in the amount of \$799,886.36 for professional services associated with the East Pflugerville Parkway from Colorado Sand Drive to Weiss Lane Roadway project.
- 11C. [2021-0310](#) Discuss and consider action to approve a Professional Services Agreement with Vanir Construction in the amount of \$540,875.00 for General Consultant for Program Management Services associated with the 2020 General Obligation Bond Proposition B Parks Projects and authorizing the City Manager to execute same.

- 11D.** [2021-0131](#) Discuss and consider action to authorize the City Manager to execute a professional services agreement with MWM DesignGroup, Inc. for the design and preparation of construction documents of a restroom/bath house and guard facilities in the amount of \$92,500.00 for the Gilleland Creek Pool Bathhouse Improvements project.
- 11E.** [2021-0360](#) Review and consider action regarding the contract between Linebarger Goggan Blair & Sampson, LLP and the City of Pflugerville.
- 11F.** [2021-0365](#) Discuss, consider and take action on the recommendations and amendments from the Charter Review Commission and provide thanks for their service to the City.
- 11G.** [2021-0363](#) Discuss and consider Future Agenda items.
- 11H.** [2021-0377](#) 1.) Executive Session Item: Deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, and/or value of real property. 2.) Open Session Item: Discuss and possible action regarding the purchase, exchange, lease, and/or value of real property.
- 11I.** [2021-0376](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville. 2.) Open Session Item: Discuss and possible action regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville.
- 11J.** [2021-0378](#) 1.) Executive Session Item: Pursuant to Chapter 551.072 of the Texas Government Code, deliberations regarding the purchase, exchange, lease, transfer and/or sale of real property related to the Kelly Lane Phase 2 Roadway Project. 2.) Open Session Item: Discuss and possible action regarding the purchase, exchange, lease, transfer and/or sale of real property related to the Kelly Lane Phase 2 Roadway Project.
- 11K.** [2021-0372](#) 1.) Executive Session Item: Pursuant to Chapter 551.072 of the Texas Government Code, deliberations regarding the purchase, exchange, lease, transfer and/or sale of real property related to the Wilbarger Wastewater Interceptor Project. 2.) Open Session Item: Discuss and consider action to authorize City Staff and City Attorney to take any and all action necessary to secure right-of-entry and access to real property for the purpose of conducting a survey and any other testing as needed for the Wilbarger Creek Wastewater Interceptor project.
- 11L.** [2021-0379](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for legal advice regarding correspondence from Travis County Emergency Services District No. 2 (ESD2) Board of Directors. 2.) Open Session Item: Discuss and possible action regarding correspondence from Travis County Emergency Services District No. 2 (ESD2) Board of Directors.

- 11M.** [2021-0380](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding potential provisioning of Emergency Medical Services (EMS services) following termination of ambulance services within the City of Pflugerville and the City of Pflugerville Extraterritorial Jurisdiction (ETJ) per Travis County Emergency Services District No. 2 (ESD2) Statement of Services. 2.) Open Session Item: Discuss potential need to provision EMS services following termination of ambulance services within City of Pflugerville and City of Pflugerville ETJ per ESD2 Statement of Services and take potential action to provide direction to staff for action on short term and long term EMS mitigation.

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.

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 April 9, 2021 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 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.