



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, November 28, 2017

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: 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. **City Council Announcements**

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. **Presentations**

- 4A. [2017-6342](#) Invitation to all Pflugerville citizens to come to the Pfestival of Lights on Saturday, December 2, 2017.

- 4B. [2017-6329](#) PfunTX launches a new way to plan your visit to Pflugerville

5. Public Hearings

- 5A. [RES-0472](#) Conduct the first public hearing for the resolution providing approval of the Community Development Block Grant (CDBG) program proposed 2014 Amended Action Plan.
- 5B. [RES-0473](#) Conduct the first public hearing of the resolution providing approval of the Community Development Block Grant (CDBG) program proposed 2015 Second Amended Action Plan.
- 5C. [RES-0474](#) Conduct the first public hearing of the resolution providing approval of the Community Development Block Grant (CDBG) program proposed 2016 Second Amended Action Plan.

6. Public Hearing and Ordinance First Readings

- 6A. [ORD-0387](#) 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 TWO TRACTS CONSISTING OF APPROXIMATELY 17.593-ACRE OF LAND OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, LOCATED GENERALLY NORTHWEST OF SILENT HARBOR LOOP ON BECKER FARM ROAD, NORTH OF E. PFLUGERVILLE PARKWAY FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY MIXED USE (SF-MU); TO BE KNOWN AS BECKER FARM SUBDIVISION AT BECKER FARM RD. REZONING (REZ1710-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

7. 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.

8. Approval of Minutes

- 8A. [2017-6325](#) Approval of the minutes of the November 14, 2017 Worksession and Regular Meeting.

9. Ordinances First Reading

- 9A. [ORD-0376](#) 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.
- 9B. [ORD-0378](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO PROGRESSIVE WASTE SOLUTIONS OF TX, INC. d/b/a WC OF TEXAS 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.
- 9C. [ORD-0379](#) 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 SYSTEMS, 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.
- 9D. [ORD-0380](#) 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.
- 9E. [ORD-0381](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO DUMP IT, LLC 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.

9F. [ORD-0384](#) 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.

9G. [ORD-0389](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE TEXAS CLOSING, VACATING, ABANDONING AND CONVEYING A PORTION OF BECKER FARM ROAD IN THE CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE

10. Ordinances Second Reading

10A. [ORD-0382](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS CONVEYING 1.263 ACRES OF LAND IN THE CITY OF PFLUGERVILLE, TEXAS AT THE SOUTHEAST CORNER OF SH 130 AND KELLY LANE TO COSTCO WHOLESALE CORPORATION PURSUANT TO AN ECONOMIC DEVELOPMENT AGREEMENT AUTHORIZED UNDER CHAPTER 380 OF THE LOCAL GOVERNMENT CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY.

11. Resolutions

11A. [RES-0465](#) Approving a resolution with the caption reading: RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS APPOINTING REPRESENTATIVES TO THE TECHNICAL ADVISORY COMMITTEE OF THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION'S TRANSPORTATION POLICY BOARD

12. Other Actions

12A. [2017-6319](#) Authorizing the City Manager to Grant and Execute a Water Line

Easement Agreement with the Manville Water Supply Corporation and the City of Pflugerville for a Water Line Easement associated with the Idea School Project.

- 12B.** [2017-6339](#) Approving the Mayor's appointment of Mr. Tony Ellis and Ms. Doris Williams to the Personnel Appeal Board for three year terms beginning January 1, 2018.
- 12C.** [2017-6334](#) Approving the selection of Dannenbaum Engineering Company - Austin, LLC for professional engineering services associated with the Community Development Block Grant (CDBG) 2018 Pavement Rehabilitation Program Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Action on the Consent Agenda

13. Discuss and consider action

- 13A.** [2017-6330](#) Discuss and consider action to award a construction contract for the 1849 Park Phase 1B to Denucci Constructors, LLC., the lowest responsible bidder of eight (8) bids received on October 26, 2017, in the amount of \$6,473,218.00 and authorizing the City Manager to execute same.
- 13B.** [2017-6332](#) Discuss and consider action regarding traffic congestion and recommended improvements within the FM 685 and SH 130 corridors from Rowe Lane to Pflugerville Parkway.
- 13C.** [2017-6341](#) Discuss and consider action regarding traffic congestion and recommended improvements within the SH 45 Corridor from Schultz Ln to SH 130, and Heatherwilde Blvd from the city limits/Cheyenne Valley Dr south to Kingston Lacy Blvd.
- 13D.** [2017-6340](#) Discuss and consider action regarding proposal concepts in response to a call for Planning Study Partners for 2018-2019 Platinum Planning Studies with the Capital Area Metropolitan Planning Organization (CAMPO).
- 13E.** [2017-6322](#) Discuss and consider action to elect a Mayor Pro Tem per City Charter Section 3.06.
- 13F.** [2017-6333](#) Review representation and discuss and consider action to change City of Pflugerville representation on the Capital Area Council of Governments (CAPCOG) General Assembly.
- 13G.** [RES-0475](#) Review representation and discuss and consider action to approve a resolution appointing a City of Pflugerville representative to the Central Texas Clean Air Coalition of the Capital Area Council of Governments (CAPCOG).
- 13H.** [2017-6346](#) Discuss and consider action to provide direction to the City Manager regarding traffic impact fees. (Requested by: Councilmember Mike Heath)

- 13I. [2017-6347](#) Discuss and consider action to provide direction to the City Manager regarding field use policy. (Requested by: Councilmember Mike Heath)
- 13J. [2017-6350](#) Discuss and consider action to provide direction to the City Manager regarding small cell node legislation. (Requested by: Councilmember Doug Weiss and seconded by Councilmember Jeff Marsh)
- 13K. [2017-6351](#) Discuss and consider action to provide direction to the City Manager regarding an item to discuss the budget regarding expenditures. (Requested by: Councilmember Doug Weiss and seconded by Councilmember Jeff Marsh)
- 13L. [2017-6352](#) Discuss and consider action to provide direction to the City Manager regarding the review of all policies that the City Council needs to review. (Requested by: Councilmember Doug Weiss and seconded by Councilmember Jeff Marsh)
- 13M. [2017-6324](#) Discuss and consider action regarding future agenda items.
- 14. Discuss only**
- 14A. [2017-6344](#) Presentation and discussion of the Pflugerville Community Development Corporation FY17 4th Quarter Activity Report.
- 14B. [2017-6345](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning possible amendment of the Unified Development Code regarding the establishment of zoning districts and preservation of open space. 2.) Open Session Item: Discussion concerning possible amendment of the Unified Development Code regarding the establishment of zoning districts and preservation of open space.
- 14C. [2017-6343](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning the City's consideration of potential petition(s) seeking consent to create municipal utility districts in the City's Extraterritorial Jurisdiction (ETJ). 2.) Open Session Item: Discussion concerning the City's consideration of potential petition(s) seeking consent to create municipal utility districts in the City's Extraterritorial Jurisdiction (ETJ).
- 14D. [2017-6326](#) 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 related to:
A. 700 West Pecan
- 14E. [2017-6327](#) 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

regarding:

A. Project Leonidas

14F. [2017-6338](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding pending or contemplated litigation regarding Elliott Martin d/b/a E&J Amusement v. City of Pflugerville and Jane Doe v. City of Pflugerville, et al.

15. 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.

Brandon Wade, 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 November 22, 2017 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 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

