



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, September 14, 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.** [2021-0987](#) Proclamation recognizing the Texas Association of Magicians' annual magic convention which was held in the City of Pflugerville.

- 4B. [2021-0952](#) Presentation from Capital Metropolitan Transit Authority (CMTA) regarding Pflugerville transit pilot program.

5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0606](#) Conduct a public hearing and consider action to approve an ordinance on first and final reading with the caption reading: Master ordinance establishing the City of Pflugerville, Texas Utility System Revenue Financing Program.
- 5B. [ORD-0604](#) Conduct a public hearing and consider action to approve an ordinance on first and final reading with the caption reading: First supplemental ordinance to the Master Ordinance establishing the City of Pflugerville, Texas Utility System Revenue Financing Program.

6. 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.

7. Ordinance First Reading

- 7A. [ORD-0596](#) Discuss and consider an ordinance on first 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.

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-0603](#) 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 0.055 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)

9. Ordinances Second Reading

- 9A.** [ORD-0595](#) 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 96.341-acre tract of land, out of the William Caldwell Survey No. 66, Abstract No. 162, in Pflugerville, TX from Agriculture/Development Reserve (A) District, to Planned Unit Development (PUD) District; to be known as the Cameron 96 PUD Rezoning (REZ2101-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. Generally located east of SH 130 and west of 1849 Park.
- 9B.** [ORD-0597](#) 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 5.03-acre tract of land out of the Jacob Casner Survey, Abstract No. 2753, in Pflugerville, TX from Agriculture/Development Reserve (A) District to General Business 2 (GB2) District; to be known as the 20502 FM 685 Rezoning (REZ2106-04); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. Generally located north of Rowe Lane along the eastern side of Farm to Market 685.
- 9C.** [ORD-0607](#) 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 71 Parking Regulations, Section 71.05 parking prohibited in certain designated areas by adding additional temporary no parking zones required by construction; providing for a penalty for a violation of Chapter 71 as a Class C Misdemeanor and a fine in an amount not to exceed \$200.00; providing that this ordinance shall be cumulative; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date. Portions of the Heatherwilde Subdivision will be effected due to construction activities related to Heatherwilde Subdivision Phase 2 Pavement Rehabilitation project and part of the Pavement Maintenance Program.

10. Approval of Minutes

- 10A. [2021-0909](#) Approval of the minutes of the August 24, 2021 Worksession and Regular Meeting and September 7, 2021 Special Meeting.

11. Resolutions

- 11A. [RES-0914](#) Approving a resolution authorizing the City Manager to execute second renewal of an Interlocal Cooperation Agreement for Public Health Services between the City of Austin and the City of Pflugerville.
- 11B. [RES-0916](#) Approving a Resolution with the caption reading: A Resolution of the City of Council of the City of Pflugerville, Texas ("City") joining with the State of Texas and political subdivisions of the State as a party in the Texas opioid settlement agreements secured by the Office of the Attorney General; Authorizing the City Manager to execute settlement participation form; and establishing an effective date.
- 11C. [RES-0920](#) Approving a resolution authorizing the City Manager to execute an agreement with Valley View Consulting for professional municipal investment advisory services and establishing an effective date

12. Other Actions

- 12A. [2021-0877](#) Authorizing the City Manager to execute a Facility Extension Agreement with Oncor Electric Delivery to provide a redundant electrical service to the Surface Water Treatment Plant in the amount of \$353,406.86.
- 12B. [2021-0939](#) Consider action to award a construction contract for Geyser Avenue Drainage Improvements to Miller Brothers in the amount of \$105,684.69 and authorizing the City Manager to execute same.
- 12C. [2021-0949](#) Authorizing the City Manager to execute agreement with Enterprise Fleet Management (EFM) for the capital lease of the City's fleet and establish an effective date
- 12D. [2021-0984](#) Approving the selection of Tyler Munis for implementation of a Enterprise Resource Planning (ERP) and authorizing the City Manager to enter into contract negotiations.
- 12E. [2021-0932](#) Discuss and consider action to award a construction contract for Heatherwilde Roadway Rehabilitation Project Phase II to Terra Path, the lowest responsible bidder of two (2) bids received on August 25, 2021, in the amount of \$1,454,000 and authorizing the City Manager to execute same.
- 12F. [2021-0951](#) Approving Amendment No. 1 to an Interlocal Agreement with Capital Metropolitan Transit Authority (CMTA) and authorizing the City Manager to execute said agreement.

Action on the Consent Agenda**13. Resolutions**

- 13A.** [RES-0918](#) Discuss and consider action to approve a resolution approving a Utility Reimbursement and Joint Access and Use agreement with Manville Water Supply Corporation associated with the relocation of a water line along Kelly Lane in conflict with the Kelly Lane Phase 2 Roadway project.
- 13B.** [RES-0919](#) Discuss and consider action to approve a resolution determining that the competitive sealed proposal (Request for Proposal) procurement method for the construction of the Surface Water Treatment Plant Expansion project, provide the best value for the City, and delegating authority to use said method in accordance with the Texas Government Code.
- 13C.** [RES-0921](#) Discuss and consider action to approve a resolution determining that the competitive sealed proposal (Request for Proposal) procurement method for the Surface Water Treatment Plant Expansion project membrane filtration system supplier selection via a two-step process, provides the best value for the City, and delegating authority to use said method in accordance with the Texas Government Code.
- 13D.** [RES-0922](#) Discuss and consider action to amend the resolution requiring the wearing of masks in city facilities to include circumstances under which the mandate will be in effect.

14. Discuss Only

- 14A.** [2021-0950](#) Discussion of sales tax ruling from the Texas Comptroller Rule 3.334 defining Place of Business
- 14B.** [2021-0985](#) Discussion regarding code of conduct for elected and appointed officials.

15. Discuss and consider action

- 15A.** [2021-0944](#) Discuss and consider action regarding the obligation of American Rescue Plan Act (ARPA) funds.
- 15B.** [2021-0865](#) Discuss and consider action to award a construction contract for the North 2.5 MG Elevated Storage Tank to Landmark Structures I, L.P. the lowest responsible bidder of three (3) accepted bids received on September 2, 2021, in the amount of \$7,451,000.00 and authorizing the City Manager to execute same.
- 15C.** [2021-0931](#) Approving 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.

- 15D.** [2021-0982](#) 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 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.
- 15E.** [2021-0975](#) 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 regarding 203 W. Main Street. 2.) Open Session Item: Discuss and consider action related to 203 W. Main Street.
- 15F.** [2021-0946](#) 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 consider action regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville.
- 15G.** [2021-0888](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding appointment of Police Chief. 2.) Open Session Item: Discuss and consider action to approve the appointment of Jason O'Malley as Police Chief.
- 15H.** [2021-0912](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation and employment 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.
- 16. Discuss only**
- 16A.** [2021-0908](#) Request to place item on future agenda.
- 17. 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 10, 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.

