



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, February 13, 2018

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.

C. Moment of Silence.

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 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.

4. **Presentations**

- 4A. [2018-6511](#) Proclamation declaring Remember the Historic Colored Addition Cemetery Day in the City of Pflugerville.
- 4B. [2018-6529](#) Presentation and discussion about the Central Wastewater Treatment Plant Expansion (WWTP) Project.

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.

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.

6. Approval of Minutes

- 6A. [2018-6512](#) Approval of the minutes of the January 12, 2018 Quorum, January 18, 2018 Worksession, January 23, 2018 Worksession and Regular Meeting, January 27, 2018 Special Meeting, and February 1, 2018 Quorum.

7. Ordinances First Reading

- 7A. [ORD-0395](#) Approving an ordinance on 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 (TITLED TRAFFIC CODE), CHAPTER 72 (TITLED TRAFFIC SCHEDULES), SCHEDULE III (TITLED STOP SIGNS ON PUBLIC STREETS) BY ESTABLISHING ADDITIONAL STOP SIGNS LOCATIONS IN THE WINDERMERE SUBDIVISION; PROVIDING FOR A VIOLATION OF CHAPTER 72 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. (Establishing an all-way stop at the intersection of Edgemere Drive and Knottingham Drive.)
- 7B. [ORD-0398](#) Approving an ordinance on 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 (TITLED TRAFFIC CODE), CHAPTER 72 (TITLED TRAFFIC SCHEDULES), SCHEDULE III (TITLED STOP SIGNS ON PUBLIC STREETS) BY ESTABLISHING ADDITIONAL STOP SIGNS LOCATIONS IN STONE HILL TOWN CENTER; PROVIDING FOR A VIOLATION OF CHAPTER 72 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.

8. Ordinances Second Reading

8A. [ORD-0392](#) 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 TITLED TRAFFIC CODE, CHAPTER 71 TITLED PARKING REGULATIONS, SECTION 71.05 TITLED 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.

8B. [ORD-0396](#) 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, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS (PFLUGER FARM LANE) TO ESTABLISH PRIMA FACIE MAXIMUM SPEEDS; 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. (Establishing the speed limit of 40 mph on Pflugger Farm Lane)

9. Resolutions

9A. [RES-0492](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Justice Assistance - Byrne Grant Program award in the amount of \$191,248.00 from the Office of the Governor for the purchase of equipment and training.

9B. [RES-0494](#) Approving a resolution authorizing the City Manager to apply for and to accept, if awarded, a Body-Worn Camera Grant Program award in the amount of \$121,172.00 from the Office of the Governor for the purchase of equipment.

10. Other Actions

- 10A. [2018-6515](#) Approving conference registration and hotel expenses for Mayor Victor Gonzales to attend the Elected Officials Conference for Texas Mayors, Councilmembers, and Commissioners March 8-10, 2018 in San Antonio.
- 10B. [2018-6521](#) Approving a Storm Water Facilities Maintenance Covenant, License and Agreement in the Pecan District development, located southwest of the intersection of Pecan Street and Old Austin Pflugerville Road, and authorizing the City Manager to execute the agreement.
- 10C. [2018-6530](#) Approving a Right of Way Encroachment License Agreement in the Pecan District development, located southwest of the intersection of Pecan Street and Old Austin Pflugerville Road, and authorizing the City Manager to execute the agreement.
- 10D. [2018-6531](#) Approving a Right of Way Maintenance Agreement in the Pecan District development, located southwest of the intersection of Pecan Street and Old Austin Pflugerville Road, and authorizing the City Manager to execute the agreement.
- 10E. [2018-6525](#) Approving Change Order No. 2 in the amount of \$173,324 and extending the completion date by an additional 45 work days for the Pflugerville Animal Welfare Services - Intake Building project.

Action on the Consent Agenda

11. Discuss and consider action

- 11A. [2018-6485](#) Discuss and consider action to approve a Supplemental Agreement #1 with Freese and Nichols, Inc. in the amount of \$3,442,165 for professional engineering services associated with the plant expansion final design and bid phase services for the Central Wastewater Treatment Plant.
- 11B. [2018-6523](#) Discuss and consider action to award a construction contract for the Central Wastewater Treatment Plant (WWTP) Expansion Interim Improvements to Central Road and Utility, LTD, the lowest responsible bidder of six (6) bids received on January 25, 2018, in the amount of \$832,142.30 and authorizing the City Manager to execute same.
- 11C. [2018-6519](#) Discuss and consider action to award a construction contract for the Heatherwilde/Windermere Subdivision Streets Project to Aaron Concrete Contractors, LP, the lowest responsible bidder of seven (7) bids received on January 23, 2018, in the amount of \$2,835,225.25 and authorizing the City Manager to execute same.
- 11D. [2018-6524](#) Discuss and consider action to authorize the City Manager to execute Change Order #1 for the 1849 Park Phase 1B Project to Denucci Contractors, LLC., an overall deduction from the contract in the amount of \$388,045.00.

- 11E.** [RES-0495](#) Discuss and consider action to adopt a resolution approving a Performance Agreement for economic development incentives between the Pflugerville Community Development Corporation (PCDC) and Live Oak LLC, aka Project Flack.
- 11F.** [2018-6516](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding the search and selection of a Municipal Judge and the interim process. 2.) Discuss and consider action to appoint an interim Municipal Judge.
- 11G.** [2018-6493](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding search and selection of a City Manager and the interim process to include interview of potential interim city manager candidate(s). 2.) Open Session Item: Discuss and consider action to appoint an interim City Manager.
- 11H.** [2018-6534](#) Discuss and consider action regarding future agenda items.

12. Discuss only

- 12A.** [2018-6506](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding the city ordinance prohibiting donation containers.
- 12B.** [2018-6559](#) 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*, *Jefferson Schaefer v. City of Pflugerville*, and *Jane Doe v. City of Pflugerville, et al.*”
- 12C.** [2018-6514](#) Discussion regarding travel and expense policy. (Requested by Councilmember Jim McDonald)

13. 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.

Trey Fletcher, Acting 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 February 9, 2018 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 Amy Giannini, Americans with Disabilities Act (ADA) Coordinator, at amymg@pflugervilletx.gov or 512-990-6400 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.

