



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, January 10, 2017

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. Presentations

- 3A. [2017-5294](#) Presentations of appreciation to former Chief of Police Chuck Hooker.
- 3B. [2017-5483](#) Recognition presentations for incoming and outgoing members of the Finance and Budget Committee, Parks and Recreation Commission, Planning and Zoning Commission, Library Board, Board of Adjustment, Pflugerville Community Development Corporation (PCDC) Board, Personnel Appeal Board, and Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ).
- 3C. [2017-5454](#) Proclamation declaring January 2017 as School Board Recognition Month in the City of Pflugerville.
- 3D. [2017-5456](#) Proclamation for the It's Time Texas community challenge.
- 3E. [2017-5319](#) Pflugerville's Year in Review 2016.

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. [2017-5484](#) Approval of the minutes of the December 6, 2016 Special Meeting; December 13, 2016 Worksession and Regular Meeting; and December 15, 2016 and December 28, 2016 Special Meetings.

6. Ordinances First Reading

- 6A. [ORD-0340](#) 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, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS (EAST PECAN STREET) 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.
- 6B. [ORD-0339](#) 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, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS (HEATHERWILDE BOULEVARD) 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.
- 6C. [ORD-0341](#) 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.

7. Ordinances Second Reading

- 7A. [ORD-0333](#) 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 APPROVING A SPECIFIC USE PERMIT FOR AN OFFICE/WAREHOUSE USE ON A PORTION OF A 60.16 ACRE TRACT OF LAND CURRENTLY ZONED CORRIDOR URBAN LEVEL 4 DISTRICT (CL4) SITUATED IN THE THOMAS G. STUART SURVEY, SECTION NO. 6, ABSTRACT 689, LOCATED IN PFLUGERVILLE, TRAVIS COUNTY, TEXAS, TO BE KNOWN AS THE LIVING SPACES SPECIFIC USE PERMIT (SUP1611-01); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- 7B.** [ORD-0334](#) Approving an ordinance on second 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.
- 7C.** [ORD-0335](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO PROGRESSIVE WASTE SOLUTIONS 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.
- 7D.** [ORD-0336](#) Approving an ordinance on second 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.
- 7E.** [ORD-0337](#) Approving an ordinance on second 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.
- 7F.** [ORD-0338](#) Approving an ordinance on second 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.

8. Resolutions

- 8A.** [RES-0375](#) Approving a resolution directing City staff to initiate annexation proceedings and to adopt a schedule for annexation for tracts of land along East Pflugerville Parkway, east of SH 130, and west of Weiss Lane, owned by Cactus Commercial South, LP, publish notice of two public hearings in accordance with Chapter 43 of the Texas Local Government Code, and prepare an annexation ordinance and a service plan for the annexation.
- 8B.** [RES-0378](#) Approving a resolution authorizing the sale of approximately 1.5 acres of land owned by the Pflugerville Community Development Corporation (PCDC) in the One-Thirty Commerce Center described as Renewable Energy Park, Renewable Energy Park Lot 1C to MW Builders, Inc.
- 8C.** [RES-0381](#) Discuss and consider accepting a release of a reversionary interest held by Tack Development, Ltd. And Hagn and Timmerman, Ltd. on approximately 2.56 acres of property conveyed to the City in 1985, as more specifically described in a Warranty Deed to the City in the real property records of Travis County, Texas, at Volume 9236, Page 954 as Instrument No. 03934975

9. Other Actions

- 9A.** [2017-5457](#) Authorizing the City Manager to Execute a Public Utility Easement Agreement with Bastrop Investment Group, LP and the City of Pflugerville for a public utility easement associated with the Paradise Cove project on Lot 1 of the plat of the KP Brothers Subdivision located northwest of the intersection of Black Locust Drive and West Pfennig Lane.
- 9B.** [2017-5458](#) Authorizing the City Manager to Execute a Water Pipeline Easement Agreement with the Board of Trustees of the Pflugerville Independent School District and the City of Pflugerville for a water pipeline easement associated with the Village on Legacy project generally located northeast of the intersection of Swenson Farms Boulevard and West Pfennig Lane.
- 9C.** [2017-5459](#) Authorizing the City Manager to Execute a Wastewater Pipeline Easement Agreement with the Board of Trustees of the Pflugerville Independent School District and the City of Pflugerville for a wastewater

pipeline easement associated with the Village on Legacy project generally located northeast of the intersection of Swenson Farms Boulevard and West Pfennig Lane.

- 9D. [2017-5460](#) Authorizing the City Manager to Execute a Drainage Easement Agreement with the Board of Trustees of the Pflugerville Independent School District and the City of Pflugerville for a public drainage easement associated with the Village on Legacy project generally located northeast of the intersection of Swenson Farms Boulevard and West Pfennig Lane.
- 9E. [2017-5464](#) Authorizing the City Manager to execute a conditional purchase agreement, an easement purchase agreement, and associated conveyance documents between Cactus Commercial South, LP and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.
- 9F. [2017-5465](#) Authorizing the City Manager to execute an Easement & Right of Way Agreement between Oncor Electric Delivery Company LLC and the City of Pflugerville for the construction associated with the Sorento/Carmel Lift Station and Force Main Project.
- 9G. [2017-5469](#) Authorizing the City Manager to execute conditional purchase agreements, easement purchase agreements, and associated conveyance documents between H.L. Weiss, Jr. and Merle A. Weiss and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.
- 9H. [2017-5471](#) Authorizing the City Manager to execute a conditional purchase agreement, an easement purchase agreement, and associated conveyance documents between Neal E. Weiss and Barbara A. Weiss and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.
- 9I. [2017-5472](#) Authorizing the City Manager to execute a conditional purchase agreement and associated conveyance documents between James R. Bohls and Barbara Bohls and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.
- 9J. [2017-5489](#) Authorize the City Manager to execute a contract for contractual mowing services for specific rights-of-way with Rios Tree Services, the lowest responsive bidder of two (2) bids received on November 28, 2016, in the amount of \$98,001.65.
- 9K. [2017-5490](#) Authorize the City Manager to execute a contract for contractual mowing services for specific park areas with Rios Tree Services, the lowest responsive bidder of four (4) bids received on November 28, 2016, in the amount of \$83,000.17

Action on the Consent Agenda

10. Discuss and consider action

- 10A.** [2017-5487](#) Discuss and consider action to provide direction to the City Manager regarding downtown initiatives and infrastructure opportunities within the downtown area.
- 10B.** [2016-5164](#) Discuss and consider action regarding the proposed Pflugerville Community Development Corporation (PCDC) amended bylaws.
- 10C.** [2016-5425](#) Discuss and consider action regarding scheduling and scope of City Council retreat worksessions for 2017.
- 10D.** [2017-5479](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the City of Pflugerville's legislative agenda. 2.) Open Session Item: Discuss and consider action regarding the City of Pflugerville's legislative agenda.

11. Discuss only

- 11A.** [2017-5488](#) Discuss ZIP Code Boundary realignment request for Verona Subdivision located southeast of Cele Road and Weiss Lane.
- 11B.** [2017-5481](#) 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.
- 11C.** [2017-5482](#) 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 concerning economic development negotiations.

12. Adjourn

Executive sessions held during this meeting will generally take place in 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 January 6, 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.