



City of Pflugerville

Meeting Agenda - Final

City Council

Tuesday, June 13, 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. Presentations

- 3A. [2017-5917](#) Appreciation presentation to Mr. Sahaj Shah for service to the City as the student member of the City of Pflugerville Parks and Recreation Commission from June 2016 to May 2017.
- 3B. [2017-5929](#) Presentation of a donation from the Pfirst Lady's Guild and Pfun Ladies of Pflugerville to the Pflugerville Animal Welfare Services.
- 3C. [2017-5858](#) Presentation on the Summer Music in the Park Concert Series.

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.

Members of the public are expected to provide comment regarding the sale of the Blackhawk Golf Course.

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. [2017-5892](#) Approval of the minutes of the May 23, 2017 Worksession and Regular Meeting.

6. Ordinances Second Reading

- 6A. [ORD-0353](#) 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 REZONING APPROXIMATELY A 1.79-ACRE LOT, LEGALLY DESCRIBED AS LOT 40A BLOCK P CAMBRIDGE HEIGHTS COMMERCIAL SUBDIVISION REVISED PLAT LOT 40 BLOCK P IN PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST PFLUGERVILLE PARKWAY AND GRAND AVENUE PARKWAY FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 1 (GB1) ZONING DISTRICT; TO BE KNOWN AS THE CVS AT GRAND AVENUE REZONING (REZ1703-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 6B. [ORD-0355](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY ADOPTING A CITY COUNCIL CITY CHARTER REMOVAL HEARING PROCESS AS TITLE I, CHAPTER 12, SECTION 12.01 THROUGH 12.04 TITLED CITY CHARTER REMOVAL HEARING PROCESS; PROVIDING A CUMULATIVE CLAUSE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT WITH THE AMENDED SECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.
- 6C. [ORD-0356](#) 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, BY AMENDING TITLE III ENTITLED ADMINISTRATION, BY AMENDING CHAPTER 30 ENTITLED CITY OFFICIALS, BY ADDING SECTION 30.20, ET. SEQ. ENTITLED ACTING CITY MANAGER; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING NO PENALTY; AND PROVIDING AN EFFECTIVE DATE.

7. Resolutions

- 7A. [RES-0426](#) Approving a resolution with the caption reading: a RESOLUTION BY THE CITY OF PFLUGERVILLE, TEXAS ("CITY"), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
- 7B. [RES-0430](#) Approving a resolution amending the composition of the Finance and Budget Committee by adding a citizen member and appointing Ms. Meredith Quick as a citizen member for a term ending December 31, 2018. (Requested by Councilmember Jeff Marsh)

8. Other Actions

- 8A. [2017-5910](#) Approving an Interlocal Cooperation Agreement between the City of Pflugerville, Texas and Travis County Emergency Services District (ESD) No. 2.
- 8B. [2017-5911](#) Authorizing the City Manager to execute a Special Warranty Deed accepting the conveyance of real property from Kelly Lane Water Control and Improvement District No. 2 to the City of Pflugerville, to be dedicated as public right of way, legally described as 0.1775 of one acre or 7,731 square feet of land more or less, out of the Edward Flint Survey No. 11, Abstract No. 277, and the James P. Kempe Survey No. 12, Abstract No. 462, Travis County, Texas, and being out of that tract described as a portion of 190.47 acres in a deed to KM Avalon LTD of Record in Document No. 2005118418, Official Public Records, Travis County, Texas, and Being Described as that 29.76 Acre Save and Except (Exhibit A-1), of Record in Document No. 2011109413, Official Public Records, Travis County, Texas.
- 8C. [2017-5914](#) Authorizing the City Manager to execute a conditional purchase agreement, easement purchase agreement, and associated conveyance documents between Diaper Full of Love, LLC and the City of Pflugerville as necessary to acquire real property interests for the Weiss Lane Roadway Project.
- 8D. [2017-5916](#) Approving a Private Lift Station and Force Main Maintenance, Restrictive Covenant and Easement Agreement regarding Living Spaces Subdivision and authorizing the City Manager to execute the agreement.

- 8E. [2017-5924](#) Approving the Mayor's appointment of Mr. Larry Douglas to the Personnel Appeal Board for a term ending December 31, 2019.
- 8F. [2017-5925](#) Approving the appointment of Ms. Jayden Alexis Black as student member of the Parks and Recreation Commission for a term ending May 31, 2018.

Action on the Consent Agenda

9. Discuss and consider action

- 9A. [2017-5912](#) Discuss and consider action to award a construction contract for the Traffic Signals and Intersection Improvements at Grand Avenue Parkway and Black Locust and Heatherwilde Blvd. and Cheyenne Valley Dr. project to Austin Traffic Signal Construction Company, Inc., the lowest responsible bidder of two (2) bids received on June 2, 2017, in the amount of \$452,106.25 and authorizing the City Manager to execute same.
- 9B. [RES-0427](#) Discuss annexation (Requested by Mayor Pro Tem Omar Peña) and discuss and consider action to approve a resolution adopting the 3-Year Annexation Plan.
- 9C. [RES-0429](#) Discuss and consider action to approve a resolution adopting municipal utility district creation consent policies.
- 9D. [2017-5923](#) Discuss and consider action regarding future agenda items.

10. Discuss only

- 10A. [2017-5778](#) Discuss animal shelter update. (Requested by: Mayor Pro Tem Omar Peña)
- 10B. [2017-5918](#) Discuss a curfew ordinance. (Requested by Mayor Pro Tem Omar Peña)
- 10C. [2017-5919](#) Discuss a distracted driving ordinance. (Requested by Mayor Pro Tem Omar Peña)
- 10D. [2017-5921](#) Discuss the Police Department Budget. (Requested by Mayor Pro Tem Omar Peña)
- 10E. [2017-5926](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Local Government Code regarding the preparation of executive session minutes in accordance with the Texas Open Meetings Act and to seek advice regarding interpreting existing terms and development of possible amendment(s) to the City Manager's contract. 2.) Open Session Item: Discuss roles, responsibilities and performance of the City Manager. (Requested by Councilmember Mike Heath)
- 10F. [2017-5928](#) 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 described as a 0.2629 AC of LOT 1 BLK C FAIRWAYS OF BLACKHAWK PHS V-A & ABS 328 SUR 17 GOLDEN P and ABS 55 SUR 16 BECKHAM J ACR 157.6241.

10G. [2017-5876](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding public improvement districts.

10H. [2017-5922](#)

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 regarding:
1. Project Sydney.

11. 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.

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 June 9, 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.