



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, October 23, 2012

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. Presentation

- 3A.** [2012-1434](#) Presentation of the Scenic City Certification Program Silver Level Award to the City of Pflugerville.

4. Public Hearings

- 4A.** [ORD-0119](#) Conduct the second required public hearing to annex two separate tracts of land owned by the City of Pflugerville consisting of 8.9 acres within the Villages of Hidden Lakes subdivision, out of the Gene M. Martin Survey No. 9, Abstract 529 in Travis County, Texas. Tract 1 consists of 8.54 acres adjacent to Lake Pflugerville while Tract 2 consists of 0.37 acres utilized for wastewater infrastructure. (ANX1208-02)
- 4B.** [ORD-0120](#) Conduct the second required public hearing on the annexation, for full purposes, of a tract of land consisting of approximately 20.2 acres within the E. Pecan St. right of way, out of the S. Eiselin Survey No. 4, Abstract 265 and T. S. Barnes Survey No. 46, Abstract 67 in Travis County, Texas, to be known as the 2012 E. Pecan Street Annexation. (ANX1208-01)

5. Public Hearing and Ordinance First Reading

- 5A.** [ORD-0121](#) Conduct a public hearing and consider approving an ordinance on first reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO.

1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF 229.86 ACRES OUT OF THE J. DAVIS SURVEY NO. 13, ABSTRACT NO. 231 AND S. EISLIN SURVEY NO. 4, ABSTRACT NO. 265, LOCATED GENERALLY SOUTHEAST OF THE FM 685 AND E. PFLUGERVILLE PKWY INTERSECTION; FROM URBAN LEVEL 4 (CL4) TO GENERAL BUSINESS 1 (GB1) FOR 180.11 ACRES AND FROM URBAN LEVEL 4 (CL4) TO MULTI-FAMILY URBAN (MF-U) DISTRICT FOR 49.75 ACRES; TO BE KNOWN AS THE TOWN CENTER REZONING (REZ1208-02), AND PROVIDING AN EFFECTIVE DATE.

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.

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.

7. Approval of Minutes

- 7A. [2012-1468](#) Approval of the minutes of the October 2, 2012 Quorum; October 4, 2012 Special Meeting; and October 9, 2012 Worksession and Regular Meeting.

8. Ordinance First Reading

- 8A. [ORD-0122](#) 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 150, REGARDING THE ADOPTION OF THE INTERNATIONAL BUILDING CODES, 2012 EDITION; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

9. Ordinance Second Reading

- 9A. [ORD-0116](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF 3.10 ACRES OUT

OF THE E. BEBEE SURVEY, ABSTRACT NO. 5, LOCATED GENERALLY NORTHWEST OF THE BLACK LOCUST AND PFENNIG LANE INTERSECTION, FROM SINGLE-FAMILY SUBURBAN (SF-S) TO SINGLE-FAMILY URBAN (SF-U) DISTRICT; TO BE KNOWN AS KUEMPEL 3.1-ACRE REZONING (REZ1208-01), AND PROVIDING AN EFFECTIVE DATE.

10. Other Actions

- 10A. [2012-1461](#) Authorizing the City Manager to execute a Public Wastewater Easement between Pflugerville Community Development Corporation and the City of Pflugerville for wastewater infrastructure and maintenance associated with a portion of Lot 2 of the Renewable Energy Park subdivision.
- 10B. [2012-1462](#) Approving a request for a variance to Section DG8.1.C of the Engineering Design Guidelines for the installation of a pole mounted transformer and above ground connections to serve a portion of Lot 4 Block B of the Town Center Lots 1-4 subdivision, a 1.02-acre parcel, for the proposed Discount Tire Company located at 1601 FM 685 in Pflugerville, Texas.
- 10C. [2012-1465](#) Approving the selection of LJA Engineering, Inc. of Austin, Texas for engineering design services in conjunction with the Pflugerville Farm Lane Improvement project and authorizing the City Manager to enter into negotiations for professional engineering services.
- 10D. [2012-1466](#) Approving a reimbursement request in the amount of \$133.20 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses.
- 10E. [2012-1476](#) Approving an agreement with Oradat and Associates for consulting services in an amount not to exceed \$150,000 and authorizing the City Manager to execute same.
- 10F. [2012-1478](#) Approving Pflugerville Community Development Corporation funding in the amount of \$30,000 to the Pflugerville Education Foundation for the purpose of buying welding equipment for the Pflugerville Independent School District.

Action on the Consent Agenda

11. Discuss and consider action

- 11A. [2012-1246](#) Discuss and consider action regarding report from Mayor Pro Tem Victor Gonzales regarding the City of Pflugerville's participation in the Austin Chamber of Commerce Intercity visit to San Jose/Silicon Valley from September 30 to October 2, 2012.
- 11B. [2012-1467](#) Discuss and consider action regarding future agenda items.
- 11C. [2012-1474](#) 1.)Executive Session Item: Consultation with legal counsel regarding

pursuant to Chapter 551.071 of the Texas Government Code and deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding Approving a Purchase and Sale Agreement and Performance Agreement between Pflugerville Community Development Corporation (PCDC) and EIEIO, Inc. as an economic incentive for EIEIO, Inc. to locate in the 130 Commerce Center development. 2.) Open Session Item: Discuss and consider action regarding Approving a Purchase and Sale Agreement and Performance Agreement between Pflugerville Community Development Corporation (PCDC) and EIEIO, Inc. as an economic incentive for EIEIO, Inc. to locate in the 130 Commerce Center development.

- 11D.** [2012-1406](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the Municipal Judge. 2.) Discuss and consider action regarding performance evaluation of the Municipal Judge.
- 11E.** [2012-1408](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Attorney. 2.) Open Session Item: Discuss and consider action regarding the performance evaluation of the City Attorney.
- 11F.** [2012-1410](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Manager. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.
- 11G.** [2012-1480](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding authorizing the City of Pflugerville to seek an order from the Texas Commission on Environmental Quality (TCEQ) requiring disconnections of water service under specified conditions for nonpayment of sewer charges pursuant to Tex. Admin Code Section 291.88. 2.) Open Session Item: Discuss and consider action to authorize the City of Pflugerville to seek an order from the Texas Commission on Environmental Quality (TCEQ) requiring disconnections of water service under specified conditions for nonpayment of sewer charges pursuant to Tex. Admin Code Section 291.88.
- 12. Discuss only**
- 12A.** [2012-1472](#) 1.) Executive Session Item: Consultation with legal counsel regarding agreements with Manville Water Supply Corporation pursuant to Chapter 551.071 of the Texas Government Code.
- 12B.** [2012-1473](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding the provision of public utilities within the City of Pflugerville.

13. 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.

Jeff Coleman, Mayor

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 October 17, 2012, 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 990-6101 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 272-9116 or may utilize the statewide Relay Texas program at 1-800-735-2988.