



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, October 22, 2013

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.** [2013-2407](#) Presentation of the Gold Award from International Economic Development Council (IEDC) to Pflugerville Community Development Corporation (PCDC) for advertising campaign.
- 3B.** [2013-2382](#) Presentation of the 2013 Planning Excellence Award for the City of Pflugerville and recognition of American Planning Association's National Community Planning Month.
- 3C.** [2013-2362](#) Halloween safety presentation by the Pflugerville Police Department.

4. Public Hearing and Ordinance First Reading

- 4A.** [ORD-0181](#) Public hearing and first reading to consider approval of an ordinance 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 AN 18.938 ACRE TRACT OF LAND OUT OF THE JOHN VAN WINKLE SURVEY NO. 14, ABSTRACT 786 IN PFLUGERVILLE, TEXAS FROM MULTI-FAMILY URBAN (MF-U) TO ALTERNATIVE LAND USE REGULATION (ALUR) DISTRICT; TO BE KNOWN AS THE CARRINGTON COURT ALUR REZONING (REZ1307-01), AND PROVIDING AN EFFECTIVE DATE.

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. [2013-2343](#) Approval of the minutes of the September 24, 2013 Worksession and Regular Meeting and October 1, 2013 Quorum.

7. Ordinance First Reading

- 7A. [ORD-0180](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE 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, DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY'S RATE-CASE EXPENSES, FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

8. Ordinances Second Reading

- 8A. [ORD-0171](#) 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 AN APPROXIMATE 1-ACRE TRACT OF LAND OUT OF THE ALEXANDER WALTERS SURVEY IN PFLUGERVILLE, TX, LOCATED GENERALLY SOUTHWEST OF THE E. PFLUGER ST. TERMINUS FROM RETAIL (R) TO SINGLE FAMILY SUBURBAN (SF-S); TO BE KNOWN AS THE LISSO TRACT AT E. PFLUGER ST. REZONING (REZ1307-02) AND PROVIDING AN EFFECTIVE DATE.
- 8B. [ORD-0178](#) 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 LOTS 1-4 OF THE P&P SUBDIVISION AS RECORDED IN VOLUME 90 PAGES 121-122, LOCATED GENERALLY AT 445 F.M. 685, PFLUGERVILLE, TX, FROM GENERAL BUSINESS 1 (GB1) TO GENERAL BUSINESS 2(GB2); TO BE KNOWN AS THE AAA STORAGE REZONING (REZ1308-01) AND PROVIDING AN EFFECTIVE DATE.

- 8C. [ORD-0179](#) Approving the second reading of an ordinance with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE PLAN; PROVIDING A CRIMINAL PENALTY FOR VIOLATIONS OF THE RATIONING PROVISIONS OF THE PLAN NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

9. Resolutions

- 9A. [RES-0161](#) Approving a resolution amending procedures for requesting and approving reasonable expenses incurred by members of the City Council, City Commissions, City Boards, and City Committees.
- 9B. [2013-2416](#) Resolution to authorize City Manager to execute a Release and Vacation Instrument to vacate an existing 50' temporary drainage easement located at the eastern terminus of Portchester Castle Path in the Highland Park Subdivision.
- 9C. [RES-0163](#) Resolution to authorize City Manager to execute a Release and Vacation Instrument to vacate an existing 120' temporary drainage easement.
- 9D. [RES-0166](#) Approving a resolution to authorize the City Manager to execute unilateral public easements in accordance with the Unified Development Code and Capital Improvement Program (CIP) Projects in the course of land developments in the City of Pflugerville.

10. Other Actions

- 10A. [2013-2345](#) Receive report on City Council, Commission, Board and Committee expenditures for September 2013.
- 10B. [2013-2348](#) Approving a reimbursement request in the amount of \$23.49 by City Councilmember Wayne Cooper for business meeting expenses.
- 10C. [2013-2349](#) Approving a reimbursement request in the amount of \$335.42 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses.

- 10D.** [2013-2360](#) Approving registration and hotel expenses for Mayor Pro Tem Victor Gonzales to attend the 9th Annual Texas Transportation Forum in San Antonio, Texas January 6-8, 2014.
- 10E.** [2013-2363](#) Approve the appointment of Mr. James Hemenes as Parks and Recreation Director.
- 10F.** [2013-2364](#) Approve the appointment of Ms. Amy Good as Finance Director.
- 10G.** [2013-2365](#) Authorizing the City Manager to enter into and execute an interlocal agreement with the Capital Area Council of Governments (CAPCOG) for the purchase of orthophotos in the amount of \$9,690.20 and topographic data in the amount of \$58,709 for a total of \$68,399.20.
- 10H.** [2013-2375](#) Authorizing the City Manager to execute a Public Utility Easement Agreement between Continental Homes of Texas, L.P. and the City of Pflugerville for the necessary improvements proposed with the Highland Park Portchester Castle Path project.
- 10I.** [2013-2376](#) Authorizing the City Manager to execute a Drainage, Water, and Wastewater Easement Agreement between Continental Homes of Texas, L.P. and the City of Pflugerville for the necessary drainage, water, and wastewater improvements proposed with the Highland Park Portchester Castle Path project.
- 10J.** [2013-2377](#) Authorizing the City Manager to execute a Drainage and Lateral Support Easement Agreement between Continental Homes of Texas, L.P. and the City of Pflugerville for the necessary drainage and grading improvements proposed with the Highland Park Portchester Castle Path project.
- 10K.** [2013-2379](#) Approving an agreement with Freese and Nichols, Inc. in the amount of \$38,543 for professional engineering services for a preliminary engineering report associated with the design of the Pfennig Pump Station and Ground Storage Project and authorizing the City Manager to execute the agreement.
- 10L.** [2013-2383](#) Authorizing the City Manager to execute a drainage easement, generally located at the northeast corner of Weiss Lane and Hidden Lake Xing, between Laser Manufacturing Inc. and the City of Pflugerville for the necessary roadway and drainage construction associated with the Sorento Section 1 subdivision.
- 10M.** [2013-2386](#) Approving the selection of S&B Infrastructure, LTD. for professional design services associated with design, bidding, and construction administration for the SH130/Pflugerville Parkway public trail extension and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.
- 10N.** [2013-2384](#) Authorizing the City Manager to execute Supplement #2 to the existing design agreement with Half Associates, Inc. for utility relocation

coordination, construction materials testing and additional design services related to right of way and easement acquisition for the Heatherwilde Boulevard Widening, Drainage and Utility Improvements CIP project in an amount not to exceed \$88,915.

Action on the Consent Agenda

11. Discuss and consider action

- 11A. [2013-2385](#) Discuss and consider action to authorize the City Manager to execute Change Order #2 with Chasco Constructors, LTD. for additional Pfluger Farm Lane roadway and utility improvements in the amount of \$553,403.30.
- 11B. [2013-2388](#) Discuss and consider action to authorize the City Manager to approve the purchase of water treatment plant membranes for the City's water treatment plant from General Electric in the amount of \$1,670,372.
- 11C. [2013-2308](#) Discuss and consider action regarding the Fiscal Year 2013-2014 budget for the Pflugerville Community Development Corporation (PCDC).
- 11D. [2013-2408](#) Discussion and consider action regarding approval of Pflugerville Community Development Corporation (PCDC) performance agreement with Project Triple Threat.
- 11E. [2013-2415](#) Discuss and consider action regarding approval of a Pflugerville Community Development Corporation (PCDC) resolution for approval of borrowing from First Texas Bank in the amount of 1.3 million dollars for a project of the Pflugerville Community Development Corporation.
- 11F. [2013-2423](#) Discuss and consider action regarding the significant activities report.
- 11G. [2013-2342](#) Discuss and consider action regarding future agenda items.
- 11H. [2013-2357](#) 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.) Open Session Item: Discuss and consider action regarding performance evaluation of the Municipal Judge.
- 11I. [2013-2358](#) 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 performance evaluation of the City Attorney.
- 11J. [2013-2359](#) 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.

12. Discuss only

- 12A.** [2013-2409](#) 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 regarding approval of a Pflugerville Community Development Corporation (PCDC) resolution for approval of a loan for approximately 7.5 million dollars to refinance the 130 Commerce Center. 2.) Open Session Item: Discussion regarding approval of a Pflugerville Community Development Corporation (PCDC) resolution for approval of a loan for approximately 7.5 million dollars to refinance the 130 Commerce Center.
- 12B.** [2013-2410](#) 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 regarding approval of a Pflugerville Community Development Corporation (PCDC) resolution for approving a loan for approximately 23 million dollars for Project Wave aka Hawaiian Falls Water Park. 2.) Open Session Item: Discussion regarding approval of a Pflugerville Community Development Corporation (PCDC) resolution for approving a loan for approximately 23 million dollars for Project Wave aka Hawaiian Falls Water Park.
- 12C.** [2013-2411](#) 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 regarding approving modification of the Pflugerville Community Development Corporation (PCDC) performance agreement with Hawaiian Falls to allow for private financing of the facility. 2.) Open Session Item: Discussion regarding approving modification of the Pflugerville Community Development Corporation (PCDC) performance agreement with Hawaiian Falls to allow for private financing of the facility.
- 12D.** [2013-2412](#) 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 regarding approving modification of the Pflugerville Community Development Corporation (PCDC) land purchase agreement from 25 to 23 Acres for Project Wave aka Hawaiian Falls Water Park. 2.) Open Session Item: Discussion regarding approving modification of the Pflugerville Community Development Corporation (PCDC) land purchase agreement from 25 to 23 Acres for Project Wave aka Hawaiian Falls Water Park.
- 12E.** [2013-2413](#) 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 regarding cancelling agreement with the Pflugerville Community Development Corporation (PCDC) for reimbursement of certificates of obligation bonds for Project Wave aka Hawaiian Falls Water Park. 2.) Open Session Item: Discussion regarding cancelling agreement with the Pflugerville Community Development Corporation (PCDC) for reimbursement of certificates of obligation bonds for Project Wave aka Hawaiian Falls Water Park.

- 12F.** [2013-2414](#) 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 regarding Pflugerville Community Development Corporation (PCDC) Performance, Construction, Leasing and Financing Agreements and PCDC purchase of real property with Project Wave aka Hawaiian Falls Water Park pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discussion regarding PCDC Performance, Construction, Leasing and Financing Agreements and PCDC purchase of real property with Project Wave aka Hawaiian Falls Water Park.
- 12G.** [2013-2361](#) Discussion regarding the City of Pflugerville's participation in the second annual Healthy at H-E-B Community Challenge September 1- October 31, 2013.
- 12H.** [2013-2340](#) 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.
- 12I.** [2013-2341](#) 1.) Executive Session Item: Consultation with legal counsel regarding provision of emergency services within the City pursuant to Chapter 551.071 of the Texas Government Code.
- 12J.** [2013-2344](#) 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**

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.

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 18, 2013, 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 512-272-9116 or may utilize the statewide Relay Texas program at 1-800-735-2988.