



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, December 13, 2011

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. [2011-0952](#) Appreciation presentation to Pointe of Grace Lutheran Church and The Bridge Church for their participation in the Serve the City day of volunteerism in Pflugerville.
- 3B. [2011-0911](#) Presentation by Mr. Charles Dupre, Pflugerville Independent School District Superintendent, regarding their school finance litigation case.
- 3C. [2011-0962](#) Presentation of Texas Comptroller Leadership Circle 2011 Silver Award for financial transparency.

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. [2011-0936](#) Approval of the minutes of the November 15, 2011 Worksession and Special Meeting; November 21, 2011 Special Meeting; and November 22, 2011 Worksession and Regular Meeting.

6. Ordinances First Reading

- 6A. [ORD-0089](#) Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas GRANTING THE CONVEYANCE OF A 10' PRIVATE WASTEWATER EASEMENT ON CITY PROPERTY JOINTLY TO HW CARMEN INVESTMENTS AND DPS MEGACENTER 2000, LTD. ON A 10.51-ACRE TRACT OF LAND OUT OF THE L.C. CUNNINGHAM SURVEY, NO. 63, ABSTRACT NO. 163; AND MORE SPECIFICALLY DESCRIBED IN A DEED TO THE CITY OF PFLUGERVILLE, OF RECORD IN DOCUMENT NO. 2003293775 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
- 6B. [ORD-0090](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIFTH AMENDMENT TO THE FISCAL YEAR 2010-2011 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.
- 6C. [ORD-0094](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS GRANTING THE CONVEYANCE OF A 3.557-ACRE (154,960 SQUARE FEET) PERMANENT EASEMENT, LYING AND SITUATED IN THE SUMNER BACON SURVEY NO. 62, ABSTRACT NO. 63, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 72.883 ACRE TRACT OF LAND, DESCRIBED IN THE DEED TO THE CITY OF PFLUGERVILLE, TEXAS AS RECORDED IN DOCUMENT #2008120172 OF THE PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

7. Ordinances Second Reading

- 7A. [ORD-0083](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PFLUGERVILLE, TEXAS BY ADDING SUBCHAPTER 158, STORM WATER POLLUTION CONTROL ORDINANCE; REGULATING THE DISCHARGE OF POLLUTANTS INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR CONVEYANCES; ESTABLISHING A FINE OF NO MORE THAN \$2,000 FOR ANY VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (CA1110-01)
- 7B. [ORD-0084](#) 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 SYSTEM, 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-0085](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO IESI TX CORPORATION. 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-0086](#) 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-0087](#) 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-0088](#) 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-0064](#) Approving a resolution of the City of Pflugerville, Texas appointing representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.
- 8B. [RES-0065](#) Approving a resolution amending the membership composition of the Finance and Budget Committee to be comprised of one councilmember and four citizen members.
- 8C. [RES-0066](#) Approving a resolution appointing Mr. Mike Marsh, Position One, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a one-year term beginning January 1, 2012.
- 8D. [RES-0067](#) Approving a resolution for an interlocal agreement between the City of Pflugerville and the Harris County Department of Education to participate in a purchasing cooperative program for furnishings for the Pflugerville Community Library.

9. Other Actions

- 9A. [2011-0961](#) Cancelling the City Council's December 27, 2011, Worksession and Regular Meeting.
- 9B. [2011-0958](#) Approve the appointment of Mr. Jim Bowlin as Parks and Recreation Director.
- 9C. [2011-0862](#) Approving hotel expenses in the corrected amount of \$760.82 for Mayor Pro Tem Victor Gonzales' attendance at the Texas Municipal League Annual Conference.
- 9D. [2011-0949](#) Receive report on City Council, Commission, Board and Committee expenditures for November 2011.

- 9E. [2011-0953](#) Appointing Ms. Karen Doughty and Mr. Thomas Dunn as a regular members of the Board of Adjustment for a two-year terms beginning January 1, 2012.
- 9F. [2011-0954](#) Approving the Mayor's appointment of Mr. Christopher Clark and Ms. Cheryl Callicott to the Personnel Appeal Board for three-year terms beginning January 1, 2012.
- 9G. [2011-0960](#) Approving the selection of Lockwood, Andrews and Newnam, Inc. (LAN) for the preparation of an Impact Fee Study and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.
- 9H. [2011-0959](#) Approving a variance to Section DG8.1C of the Engineering Design Guidelines to allow the installation of a pole mounted transformer in conjunction with the construction of a lift station by the Pflugerville Community Development Corporation (PCDC).

Action on the Consent Agenda

10. Discuss and consider action

- 10A. [2011-0955](#) Discuss and consider action to make an appointment to the Pflugerville Community Development Corporation, Place 4 for an unexpired term ending December 31, 2012.
- 10B. [2011-0957](#) Discuss and consider action regarding future agenda items.
- 10C. [2011-0967](#) 1.) Executive Session Item: Deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code. 2.) Open Session Item: Discussion regarding economic development negotiations.
- 10D. [2011-0956](#) 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.

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.

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 December 7, 2011, 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 272-9116 or may utilize the statewide Relay Texas program at 1-800-735-2988.