



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, May 13, 2014

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.** [2014-2934](#) Proclamation recognizing crossing guard Mr. Max Poss for excellent service to the community and declaring May 14, 2014 "Mr. Max Day" in the City of Pflugerville.
- 3B.** [2014-2843](#) Presentation of Award of Recognized Law Enforcement Agency to the Pflugerville Police Department.
- 3C.** [2014-2920](#) Presentation of Rain Catcher Award from the Texas Water Development Board (TWDB).
- 3D.** [2014-2921](#) Presentation of Rain Harvesting Award from American Water Works Association (AWWA).
- 3E.** [2014-2922](#) Presentation regarding the upcoming Public Works Open House.
- 3F.** [2014-2876](#) Proclamation declaring May 18 to May 24, 2014 as National Public Works Week in the City of Pflugerville.
- 3G.** [2014-2927](#) Reclaimed Water Master Plan Update Presentation.

4. Discuss and consider action

- 4A.** [2014-2947](#) Discuss and consider a report on issues recently discovered at the Lake Pflugerville Pump Station and authorizing City Manager to procure services and equipment for the emergency repairs necessary to return the pump station to full working condition.

- 4B. [2014-2948](#) Discuss and consider action to approve a Professional Services Agreement with Freese and Nichols, Inc. for engineering design services for emergency repairs at the Lake Pflugerville Pump Station and authorizing the City Manager to execute the agreement.

5. Public Hearing and Ordinance First Readings

- 5A. [ORD-0201](#) Conduct a public hearing and consider approving an ordinance on first 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 APPROVING A SPECIAL DISTRICT FOR LIGHT INDUSTRIAL USES FOR LOTS 3D AND 3E OF THE RENEWABLE ENERGY PARK SUBDIVISION, PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF THE SH 130 AND E. PECAN STREET, TO BE KNOWN AS THE 130 COMMERCE CENTER LOTS 3D AND 3E SPECIAL DISTRICT (SD1403-01) PROVIDING FOR SITE LAYOUT, BUILDING ELEVATIONS, AND CONDITIONS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
- 5B. [ORD-0202](#) Conduct a public hearing and consider approving an ordinance on first 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 A 2.670-ACRE TRACT OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791 IN TRAVIS COUNTY, TX LOCATED GENERALLY NORTHEAST OF THE WELLS BRANCH PKWY AND DESSAU RD INTERSECTION, FROM GENERAL BUSINESS 1 (GB1) TO MULTI-FAMILY URBAN (MF-U); TO BE KNOWN AS THE VILLAGES AT WUTHRICH HILL REZONING (REZ1404-01) 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. [2014-2928](#) Approval of the minutes of the April 22, 2014 City Council Worksession and Regular Meeting.

8. Ordinances First Reading

- 8A. [ORD-0199](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, REGARDING THE COLLECTION OF HOTEL OCCUPANCY TAXES WITHIN THE CITY; PROVIDING FOR A FINE OR PENALTY OF THIS ORDINANCE AS A MISDEMEANOR NOT TO EXCEED \$500.00 FOR EACH OFFENSE, EXCEPT HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, IN WHICH EVENT THE PENALTY SHALL BE FIXED BY STATE LAW AND IF DEEMED A VIOLATION OF ANY PROVISIONAL LAW THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, THE PENALTY SHALL NOT EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; PROVIDING A SAVINGS, REPEALER, SEVERABILITY, AND EFFECTIVE DATE CLAUSES.

9. Ordinances Second Reading

- 9A. [ORD-0184](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE READOPTING CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 95 PARKS AND RECREATION SUBCHAPTER 95.50 YOUTH PROGRAMS STANDARDS OF CARE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

10. Resolutions

- 10A. [RES-0203](#) Approving a resolution denying an increase in rates requested by Atmos Energy Corporation - MidTex Division, submitted on or about February 28, 2014 under the rate review mechanism; finding Atmos' request unreasonable; directing Atmos Energy to reimburse the City's rate-case expenses; authorizing the City's participation in the appeals Atmos may take denying its requested increase; requiring delivery of the resolution to the Company and the City's special counsel; finding that the meeting complied with the Open Meetings Act; declaring an effective date; and making other findings and provisions related to the subject..
- 10B. [RES-0205](#) Approving a resolution authorizing the City Manager to execute a release of a 20' ingress and egress easement on behalf of the former North Travis County Municipal Utility District No. 5.

- 10C.** [RES-0206](#) Approving a resolution authorizing the City Manager to execute non-annexation development agreements to eligible and willing property owners of land appraised for ad valorem tax purposes as land for agricultural use under Chapter 23, Tax Code.
- 11. Other Actions**
- 11A.** [2014-2933](#) Receive report on City Council, Commission, Board and Committee expenditures for April 2014.
- 11B.** [2014-2888](#) Authorizing the City Manager to execute a Wastewater Easement Agreement with Verde Meister Lane LP. and the City of Pflugerville for the necessary utility construction associated with the Springbrook Apartment wastewater construction project.
- 11C.** [2014-2949](#) Approving the selection of Brown and Gay Engineers, Inc. for professional engineering services associated with design, bidding, and construction administration of the East Pecan Street Widening Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Action on the Consent Agenda

- 12. Discuss and consider action**
- 12A.** [2014-2935](#) Discuss and consider action regarding scheduling and agenda items for a 2014 City Council retreat worksession.
- 12B.** [2014-2930](#) Discuss and consider action regarding future agenda items.
- 12C.** [2014-2937](#) 1.) Executive Session Item: Discussion 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 Project Morpheus. 2.) Open Session Item: Discuss and consider action regarding Project Morpheus including possible action on a Chapter 380 Economic Development Agreement between the City and Village Pflugerville Holdings, L.L.C. and possible action on a Performance Agreement and associated real property sale contracts between the Pflugerville Community Development Corporation (PCDC) and Village Pflugerville Holdings, L.L.C.
- 12D.** [2014-2914](#) 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 regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement for Project Chipper. 2.) Open Session Item: Discuss and consider action regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement for Project

Chipper.

- 12E.** [2014-2915](#) 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 regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement, Lease and Sublease with Project Exit. 2.) Open Session Item: Discuss and consider action regarding Pflugerville Community Development Corporation (PCDC) Performance Agreement, Lease and Sublease with Project Exit.

13. Discuss only

- 13A.** [2014-2929](#) 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.

- 13B.** [2014-2931](#) 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.

- 13C.** [2014-2932](#) 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.

- 13D.** [2014-2958](#) 1.) Executive Session Item: Deliberations regarding real property acquisition pursuant to Chapter 551.072 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice concerning real property acquisition.

14. 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 May 7, 2014, 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.