



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, February 12, 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. [2013-1660](#) Proclamation declaring the week of February 7, 2013 to February 14, 2013 as Congenital Heart Defect Awareness Week in the City of Pflugerville.

3B. [2013-1663](#) Presentation to introduce the city's new web-based system, FOIA Systems, for the management and tracking of open records requests.

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. [2013-1655](#) Approval of the minutes of the January 22, 2013 Worksession and Regular Meeting and February 5, 2013 Special Meeting.

6. Ordinances Second Reading

- 6A.** [ORD-0132](#) 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 APPROVING A SPECIAL DISTRICT FOR A LIGHT INDUSTRIAL USE IN CORRIDOR URBAN LEVEL 4 (CL4) ON APPROXIMATELY 40.36 ACRES OUT OF THE T.G. STEWART SURVEY NO. 6 AND THE H. BLESSING SURVEY NO. 3, IN TRAVIS COUNTY, TX, GENERALLY LOCATED NEAR THE INTERSECTION OF W. PFLUGERVILLE PARKWAY AND F.M. 685, TO BE KNOWN AS THE DATA CENTER PARK SPECIAL DISTRICT (SD1210-02), AND PROVIDING AN EFFECTIVE DATE.
- 6B.** [ORD-0138](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ESTABLISHING REQUIREMENTS FOR NON-MUNICIPALITY OWNED WATER AND SEWER UTILITIES FOR THE PRE-FILING OF DATA NECESSARY FOR THE GOVERNING BODY TO MAKE A DETERMINATION OF A REASONABLE RATE BASE FROM WATER AND WASTEWATER PROVIDERS; AUTHORITY TO RETAIN CONSULTANTS TO REVIEW AND ANALYZE RATE CHANGE PROPOSALS; AUTHORITY TO SEEK REIMBURSEMENT OF SAID EXPENSES; PROVIDING FOR THE FOLLOWING; ENACTMENT; FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; RULES; STANDARDS; AND ENFORCEMENT, INCLUDING INJUNCTIVE RELIEF AND CIVIL REMEDIES AND PROVIDING AN EFFECTIVE DATE.

7. Resolution

- 7A.** [RES-0129](#) Approving a resolution finding that a public purpose is served by the City's involvement in elections for the Manville Water Supply Corporation Board of Directors and authorizing the use of public resources in connection with elections for the Manville Water Supply Corporation Board of Directors.

8. Other Actions

- 8A.** [2013-1641](#) Submission of the 2012 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure, Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on Racial Profiling.
- 8B.** [2013-1653](#) Approving and authorizing the City Manager to execute a Second Amendment to Roadway Development Agreement (Avalon), and a Second Amendment to NPWIS Construction and Participation Agreement.

- 8C. [2013-1656](#) Receive report on City Council, Commission, Board and Committee expenditures for January 2013.
- 8D. [2013-1662](#) Approving the selection of Binkley and Barfield for professional engineering services associated with design, bidding, and construction administration of the Rowe Loop Wastewater Service Extension Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Action on the Consent Agenda

9. Discuss and consider action

- 9A. [2013-1658](#) Discuss and consider action regarding future agenda items.

10. Discuss only

- 10A. [2013-1657](#) 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.
- 10B. [2013-1659](#) 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.
- 10C. [2013-1665](#) 1.) Executive Session Item: Discussions regarding deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.

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 February 6, 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 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.