

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, APPROVING THE FOURTH AMENDMENT OF THE PROJECT PLAN AND FINANCING PLAN FOR “REINVESTMENT ZONE NUMBER 1, CITY OF PFLUGERVILLE, TEXAS”; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pflugerville, Texas (the “City”) has created, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon’s Texas Codes Annotated (the “Act”), a tax increment reinvestment zone within the City designated “Reinvestment Zone Number 1, City of Pflugerville, Texas” (the “Zone”); and

WHEREAS, by Ordinance No. 1094-11-11-22, adopted November 22, 2011, the City of Pflugerville adopted a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number One (the “Zone”); and

WHEREAS, by Ordinance No. 1153-13-09-10, adopted September 10, 2013, the City of Pflugerville adopted a First Amendment to the Project Plan and Reinvestment Zone Financing Plan for the development of the Zone and including improvements to East Pflugerville Parkway; and

WHEREAS, by Ordinance No. 1380-18-12-11, adopted December 11, 2018, the City of Pflugerville amended the Zone to include additional property and approved the First Amended Project Plan and Reinvestment Zone Financing Plan (otherwise known as the Second Amended Project Plan and Reinvestment Zone Financing Plan in the sequence of approvals) and adjusted the tax increment base thereof; and

WHEREAS, by Ordinance No. 1402-19-09-10, adopted September 10, 2019, the City of Pflugerville amended the Zone to assign project responsibility for the improvements of Colorado Sand Drive (Segment B, Phase 2) to the City of Pflugerville and approved the Second Amended Project Plan and Reinvestment Zone Financing Plan (otherwise known as the Third Amended Project Plan and Reinvestment Zone Financing Plan in the sequence approvals); and

WHEREAS, the City Council of the City has approved, as required by the Act, the “Project and Financing Plan” (the “Plan”) for the Zone; and

WHEREAS, the Board of the Zone and the City Council have considered the benefit to the economy of the Zone based on certain proposed amendments; and

WHEREAS, the Board of the Zone met on October 11, 2022, and recommended that the Plan be amended to provide that additional “Project Costs” be funded by the Zone; and

WHEREAS, the City has determined that it is necessary and advisable to consider adding additional Project Costs for the Zone and to amend the Plan to reflect the additional Project Costs; and

WHEREAS, the Fourth Amendment to the Project Plan and Financing Plan does not impact the Pecan District which was annexed into the Zone as part of the Second Amendment in 2018.

WHEREAS, in compliance with the Act, the City has called a public hearing to hear public comments on the additional Project Costs to be funded by the Zone and its benefits to the City and the property in the Zone, and on the proposed amendments to the Plan; and

WHEREAS, such hearing was convened at the time and place mentioned in the published notice, to-wit, on October 11, 2022, at 7:00 p.m., in the City Council Chambers, located at 1611 E. Pfennig Lane, Pflugerville, Texas, which hearing was conducted and then closed; and

WHEREAS, the City, at such hearing, invited any interested person, or the attorney thereof, to appear and contend for or against the amendment of the Plan to permit the additional Project Costs to be funded by the Zone.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1.

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 2.

That the City Council, after conducting such hearing and having heard such evidence and testimony, hereby make the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on the proposed amendment to the Plan has been properly called, held and conducted; and
- (b) That the program proposed to be implemented in the Zone, as proposed by the 4th Amendment to the Plan, will enhance the value of all the taxable real property therein; and
- (c) That the development or redevelopment of the property in the Zone will not occur solely through private investment in the reasonably foreseeable future; and
- (d) That the Plan, as amended, is feasible.

Section 3.

That the City hereby approves the 4th amendment to the Plan as established in the attached Exhibit “A”.

Section 4.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5.

Should any section, paragraph, clause or provision of this Ordinance shall for any reason be held

to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6.

The Project Plan and Financing Plan, as amended, shall remain in full force and effect, save and except as may be amended by this ordinance.

Section 7.

It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

Section 8.

This ordinance shall take effect immediately upon its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED, APPROVED AND ADOPTED on the ____ day of _____, 2022.

Victor Gonzales, MAYOR

ATTEST:

Trista Evans, CITY SECRETARY

APPROVED AS TO FORM

Charles E. Zech, CITY ATTORNEY
Denton, Navarro, Rocha, Bernal, & Zech, P.C.

EXHIBIT A
4TH AMENDED PROJECT PLAN AND FINANCING PLAN