



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, March 26, 2013

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

(Executive sessions held during this meeting will generally take place in Suite 300, at the discretion of the City Council.)

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. [2013-1787](#) Pflugerville encourages water conservation with discounted rain barrels for sale.

3B. [2013-1789](#) Pflugerville Parks and Recreation Program guide and registration for Spring/Summer 2013.

4. **Public Hearing and Ordinance First Readings**

4A. [ORD-0140](#) 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 LOT 3, BLOCK A PFAIRWAY OFFICE PARK, CONSISTING OF 14.47 ACRES OUT OF THE WILLIAM BARKER SURVEY NO. 74 IN TRAVIS COUNTY, TEXAS FROM AGRICULTURE/CONSERVATION (A) TO ALTERNATIVE LAND USE REGULATION (ALUR) DISTRICT; TO BE KNOWN AS THE PFAIRWAY PARK ALUR REZONING (REZ1212-01), AND PROVIDING AN EFFECTIVE DATE.

4B. [ORD-0144](#) 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 A WAREHOUSE/DISTRIBUTION USE IN CORRIDOR URBAN CENTER 5 (CL5) FOR APPROXIMATELY 32.77 ACRES OUT OF LOT 3C OF THE RENEWABLE ENERGY PARK SUBDIVISION, PFLUGERVILLE, TX, TO BE KNOWN AS PROJECT PANDORA SPECIAL DISTRICT. (SD1302-01); PROVIDING FOR SITE LAYOUT AND CONDITIONS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE: AND PROVIDING FOR AN EFFECTIVE DATE.

- 4C. [ORD-0145](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE AMENDING SUBCHAPTER 4 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES, SECTION C(2) AND C(3) BY ADDING WRECKER/TOWING SERVICES AND AUTO SALVAGE YARD USES AND CONDITIONS; SECTION C(4) REGARDING GENERAL REGULATION SETBACKS; SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS, SECTION B. SH 130 AND SH 45 CORRIDOR DISTRICTS, SUBSECTION 29, PROVISION B REGARDING SITE DEVELOPMENT STANDARDS; AMENDING SUBCHAPTER 7 GENERAL REGULATIONS, SECTIONS F AND G REGARDING OUTSIDE DISPLAY AND STORAGE IN OFFICE, RETAIL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; AMENDING SUBCHAPTER 10 PARKING, MOBILITY AND CIRCULATION, SUBSECTION C OFF-STREET PARKING REQUIREMENTS, TABLE 1: REQUIRED PARKING RATIO, TO INCLUDE PARKING STANDARDS FOR DAY CARE USES; AMENDING SUBCHAPTER 15 SUBDIVISION PROCESS, SECTION X, PROVISION 3 REGARDING THE NUMBER OF ACCESS POINTS REQUIRED FOR A SUBDIVISION; AMENDING SUBCHAPTER 20 DEFINITIONS SECTION C, ADDING WRECKER/TOWING SERVICES AND AUTO SALVAGE YARD AND AMENDING OUTDOOR DISPLAY AND OUTDOOR STORAGE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2,000.00 PER OFFENSE; 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. [2013-1778](#) Approval of the minutes of the March 8, 2013 Quorum and March 12, 2013 Worksession and Regular Meeting.

7. Ordinances Second Reading

- 7A. [ORD-0146](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 150, SECTION 150.20 (ENTITLED "SWIMMING POOLS") OF THE CITY OF PFLUGERVILLE'S CODE OF MUNICIPAL ORDINANCES BY PROVIDING FOR INCORPORATION BY REFERENCE OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES "STANDARDS FOR PUBLIC SWIMMING POOLS AND SPAS" AS PRESCRIBED IN TEXAS ADMINISTRATIVE CODE, TITLE 25; PROVIDING FOR PERMITTING AND INSPECTIONS; PROVIDING FOR ADMINISTRATIVE PROCEDURES FOR THE CITY TO CORRECT DEFECTIVE POOL ENCLOSURES; PROVIDING FOR A PENALTY NOT TO EXCEED \$2000 PER OFFENSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.
- 7B. [ORD-0148](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF PFLUGERVILLE, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

8. Resolution

- 8A. [RES-0137](#) Approving a resolution of the City of Pflugerville, Texas in support of The Hills of Pflugerville Affordable Senior Housing Development.

9. Other Actions

- 9A.** [2013-1771](#) Authorize the City Manager to execute a contract for contractual mowing of specific rights-of-way with Cat's Landscaping in the amount of \$53,024.80
- 9B.** [2013-1780](#) Approving a Pflugerville Community Development Corporation (PCDC) performance agreement with The Pflugerville Fund for Excellence in Education d/b/a the Pflugerville Educational Foundation, Inc. (PEF) a Texas nonprofit corporation for vocational programs including Project Lead the Way and Geometry in Construction.
- 9C.** [2013-1786](#) Approving and authorizing the City Manager to execute a nonconforming Public Drainage Easement between Mr. Gary F. Devito and the City of Pflugerville for the Uncle Gary's Bar project located at 19903 FM 685.
- 9D.** [2013-1792](#) Authorizing the City Manager to enter into contract negotiations with Brown & Gay Engineers, Inc. for a professional services contract for the City of Pflugerville Master Transportation Plan.

Action on the Consent Agenda**10. Resolution**

- 10A.** [RES-0136](#) Approving a resolution of the City of Pflugerville, Texas, accepting the fiscal year 2012 audit.

11. Discuss and consider action

- 11A.** [2013-1779](#) Discuss and consider action to approve a Pflugerville Community Development Corporation (PCDC) Professional Services Agreement with Pvilion, Inc. for Project Management Services for Grid Tied LED Light Poles with Solar Panels.
- 11B.** [2013-1791](#) Discuss and consider action to approve a Pflugerville Community Development Corporation (PCDC) performance agreement, PCDC sublease agreement and PCDC land lease agreement with Tracking Point, Inc.
- 11C.** [2013-1777](#) Discuss and consider action regarding future agenda items.
- 11D.** [RES-0132](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding approving Third Amendment to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento). 2.) Open Session Item: Discuss and consider action to approve a resolution approving Third Amendment

to the Development Agreement Regarding Bohls North and PCDC Tracts (also known as Sorento) and authorizing the City Manager to execute the amendment.

12. Discuss only

- 12A.** [2013-1772](#) Discuss Youth Sports Policy Options.
- 12B.** [2013-1731](#) Review and discuss Wastewater Master Plan treatment plant alternatives.
- 12C.** [2013-1781](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.
- 12D.** [2013-1783](#) 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.
- 12E.** [2013-1782](#) 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.
- 12F.** [2013-1790](#) 1.) Executive Session Item: Consultation with legal counsel regarding land use regulations related to alternative financial service institutions and "head shop" type businesses pursuant to Chapter 551.071 of the Texas Government Code
- 12G.** [2013-1698](#) 1.) Executive Session Item: Consultation with legal counsel regarding the petition for the creation of the proposed Travis County Emergency Services District (ESD) #2A following Travis County Commissioners Court's consideration of the petition and the further options for integration of Fire and First Responder services within the City pursuant to Chapter 551.071 of the Texas Government Code.

13. 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 March 20, 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.