



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, October 29, 2013

7:00 PM

100 East Main Street, Suite 500

Special Meeting

1. Call to order

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.

2. Approval of Minutes

- 2A. [2013-2426](#) Approval of the minutes of the October 22, 2013 Worksession and Regular Meeting.

3. Ordinances Second Reading

- 3A. [ORD-0180](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE BY THE CITY OF PFLUGERVILLE, TEXAS ("CITY"), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE, DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY'S RATE-CASE EXPENSES, FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

Action on the Consent Agenda

4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0177](#) Public hearing and consideration of an ordinance on first reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 974-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL

DISTRICT FOR AN OUTDOOR COMMERCIAL AMUSEMENT USE FOR APPROXIMATELY 25 ACRES OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 23, PFLUGERVILLE, TEXAS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF FM 685 AND TOWN CENTER DRIVE, TO BE KNOWN AS THE HAWAIIAN FALLS WATER PARK SPECIAL DISTRICT (SD1308-01), AND PROVIDING AN EFFECTIVE DATE.

5. Discuss and consider action

- 5A.** [2013-2428](#) 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 regarding multiple and various inter-related economic development agreements and contracts involving the Pflugerville Community Development Corporation (PCDC) and the City and others related to Project Wave aka Hawaiian Falls Water Park (contracts include but are not limited to the PCDC Performance, Construction, Leasing and Financing Agreements with Project Wave aka Hawaiian Falls Water Park; the PCDC purchase of real property for Project Wave aka Hawaiian Falls Water Park; related funding & finance agreements for the project; the City's Chapter 380 agreement(s) related to the project and the City's related obligations and economic incentives offered in the project. 2.) Open Session Item: Discuss and consider action to cancel previously approved and existing agreements and substitute new agreements to conform the agreements to new funding options; to approve all amended PCDC project documents and agreements; and to authorize the City Manager to execute all related and necessary documents for the project as approved as to form by the City Attorney's Office.

6. 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 October 25, 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 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.