



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, April 9, 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. Presentation

- 3A. [2013-1809](#)** Proclamation declaring the week of April 14 to April 20, 2013 as National Public Safety Telecommunicators Week.

4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0150](#)** Conduct a public hearing and approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 874-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING AN AMENDMENT TO A SPECIAL DISTRICT FOR LIGHT INDUSTRIAL USES FOR APPROXIMATELY 4.797 ACRES, LOT 3A OF THE RENEWABLE ENERGY PARK SUBDIVISION, PFLUGERVILLE, TEXAS, LOCALLY ADDRESSED AS 3709 HELIOS WAY, TO BE KNOWN AS THE EIEIO SPECIAL DISTRICT ARCHITECTURAL AMENDMENT (SD13013-01), 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. [2013-1804](#) Approval of the minutes of the March 26, 2013 Worksession and Regular Meeting.

7. Ordinances Second Reading

- 7A. [ORD-0140](#) 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 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.
- 7B. [ORD-0144](#) 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 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.
- 7C. [ORD-0145](#) Approving an ordinance on second 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 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 ACTIVITIES; 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.

8. Ordinances Third Reading

- 8A. [ORD-0148](#) Approving an ordinance on third 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.

9. Resolution

- 9A. [RES-0138](#) Approving a resolution authorizing payment in the amount of \$250,000 for decertification of the Certificate of Convenience and Necessity (CCN) of the Manville Water Supply Corporation for the Sorento Property and acknowledging this decertification as a gesture of cooperation, conciliation and goodwill by the Manville Water Supply Corporation.

10. Other Actions

- 10A. [2013-1667](#) Approving a Second Amendment to the Comprehensive Development Agreement between KM Kelly Lane, LTD. and the City of Pflugerville, Texas including consent to inclusion of land in a water district and the development of a 540-acre tract in Travis County, Texas and authorizing

the City Manager to execute the same.

- 10B.** [2013-1715](#) Authorizing the City Manager to execute a Warranty Deed for property granted by Mr. Terrell Timmermann and conveyed to the City of Pflugerville for the construction of Pfluger Farm Lane.
- 10C.** [2013-1801](#) Receive report on City Council, Commission, Board and Committee expenditures for March 2013.
- 10D.** [2013-1811](#) Approving a one-year extension to the April 2012 agreement with SWWC Utilities, Inc., Monarch Utilities I, L.P d/b/a Windermere Utility Company, Inc. which dismissed all administrative proceedings, maintained existing water and wastewater rates and provided for negotiations to establish regionalized long term water solutions for the Pflugerville area and authorizing the City Manager to execute same.
- 10E.** [2013-1814](#) Approving the fourth amendment to the agreement for wholesale water service between the City of Pflugerville and Southwest Water Company (SWWC) Utilities, Inc. extending the agreement to September 30, 2014 and authorizing the City Manager to execute same.

Action on the Consent Agenda

11. Discuss and consider action

- 11A.** [2013-1794](#) Conduct introductions and take action to appoint an alternate member of the Parks and Recreation Commission for an unexpired term ending December 31, 2013.
- 11B.** [2013-1805](#) Discuss and consider action regarding future agenda items.

12. Discuss only

- 12A.** [2013-1731](#) Review and discuss Wastewater Master Plan treatment plant alternatives.
- 12B.** [2013-1806](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.
- 12C.** [2013-1807](#) 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.
- 12D.** [2013-1808](#) 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.

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 April 3, 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.