



City of Pflugerville

Meeting Agenda

City Council

Tuesday, June 11, 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. [2013-2012](#) Presentation of Texas Association of Municipal Information Officers Awards.

3B. [2013-2028](#) Introduction and presentation of the newly formed community enrichment organization: Pflugerville Council of the Arts.

4. Public Hearing and Ordinance First Readings

4A. [ORD-0157](#) 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 CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE PLAN; PROVIDING A CRIMINAL PENALTY FOR VIOLATIONS OF THE RATIONING PROVISIONS OF THE PLAN NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

4B. [ORD-0159](#) 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 XI BUSINESS REGULATIONS, CHAPTER 112 SEXUALLY ORIENTED BUSINESSES AMENDING GENERAL PROVISIONS SECTION 112.02 DEFINITIONS; AMENDING ADMINISTRATIVE REGULATIONS SECTION 112.10

PROHIBITED LOCATIONS OF ANY TYPE OF SEXUALLY ORIENTED BUSINESS; AMENDING EMPLOYEE LICENSES SECTION 112.43 APPEAL; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$4,000.00 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. [2013-2007](#) Approval of the minutes of the May 28, 2013 Worksession and Regular Meeting.

7. Ordinances Second Reading

- 7A. [ORD-0137](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE READOPTING CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 95 PARKS AND RECREATION SUBCHAPTER 95.50 YOUTH PROGRAMS STANDARDS OF CARE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.
- 7B. [ORD-0153](#) 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 RESEARCH AND DEVELOPMENT CENTER ON A 21.83 ACRE PORTION OF LOT 3 OF THE RENEWABLE ENERGY PARK, TO BE FURTHER SUBDIVIDED AS LOT 3D, GENERALLY LOCATED IN PFLUGERVILLE, TX, TO BE KNOWN AS THE PROJECT ORION SPECIAL DISTRICT (SD1304-01), PROVIDING FOR SITE LAYOUT AND CONDITIONS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE: AND PROVIDING FOR AN EFFECTIVE DATE.

8. Resolutions

- 8A.** [RES-0142](#) Approving a resolution adopting a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) affiliated with the FM685 and FM 1825 sidewalk improvements.
- 8B.** [RES-0143](#) Approving a resolution adopting rate schedule, "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division, to be in force in the City of Pflugerville for a period of time as specified in the rate schedule.

9. Other Actions

- 9A.** [2013-1970](#) Authorize the City Manager to execute an agreement with Binkley & Barfield Inc. for Design & Construction Phase Services for the Rowe Loop wastewater CIP project in an amount not to exceed \$149,483.
- 9B.** [2013-1977](#) Approving a Lease Agreement for the Pflugerville Community Development Corporation (PCDC) with MRS Holdings, Inc. for the lease of office space.
- 9C.** [2013-2006](#) Receive report on City Council, Commission, Board and Committee expenditures for May 2013.
- 9D.** [2013-2030](#) Approving a Professional Services Agreement with DCS Engineering, LLC in the amount of \$118,841.00 for the preparation of a Reclaimed Water Master Plan and authorizing the City Manager to execute the agreement.
- 9E.** [2013-2031](#) Appointing Ms. Sarah Young as student member of the Parks and Recreation Commission for a term ending May 31, 2014.

Action on the Consent Agenda**10. Discuss and consider action**

- 10A.** [2013-1996](#) Discuss and consider action to approve a Pflugerville Community Development Corporation (PCDC) Performance Agreement with MTech.
- 10B.** [2013-2011](#) Discuss and consider action regarding future agenda items and City Manager significant activities report.

11. Discuss only

- 11A.** [2013-2008](#) 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.
- 11B.** [2013-2009](#) 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.

- 11C. [2013-2010](#) 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.

- 12. **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 June 6, 2013, at 5:00 PM pursuant to Section 551.041, Government Code.

Karen Thompson, City Secretary

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