



City of Pflugerville

Meeting Agenda - Final City Council

Tuesday, January 8, 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. Discuss and consider action

- 3A.** [2013-1597](#) Discuss and consider action to appoint Mr. Brian Burkinshaw, Mr. David Rogers and Mr. Eduardo Zamora as alternate members to the Board of Adjustment for two-year terms ending December 31, 2014.

4. Presentations

- 4A.** [2013-1587](#) Recognition presentations for incoming and outgoing members of the Board of Adjustment, Library Board, Parks and Recreation Commission, Personnel Appeal Board, Pflugerville Community Development Corporation, Planning and Zoning Commission, Tree Care Advisory Board, Finance and Budget Committee and Reinvestment Zone No. 1 (Falcon Pointe TIRZ) Board.
- 4B.** [2013-1586](#) Proclamation declaring January 2013 as School Board Recognition Month in the City of Pflugerville.
- 4C.** [2013-1415](#) Awards Presentation from Central Texas Crime Prevention Association.
- 4D.** [2013-1598](#) Presentation of the 2012 Citizen Survey by Ms. Karen Falk, ETC Institute.

5. Public Hearing and Ordinance First Readings

- 5A.** [ORD-0133](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, COMBINATION

TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN NET REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES.

- 5B. [ORD-0134](#) Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF PFLUGERVILLE, TEXAS, LIMITED TAX BONDS, SERIES 2013; AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS.

6. 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.

7. Approval of Minutes

- 7A. [2013-1589](#) Approval of the minutes of the December 6, 2012 Quorum; December 11, 2012 Worksession and Regular Meeting; and December 18, 2012 Special Meeting.

8. Ordinances First Reading

- 8A. [ORD-0136](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE THIRD AND FINAL AMENDMENT TO THE FISCAL YEAR 2011-2012 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

9. Ordinances Second Reading

- 9A. [ORD-0127](#) 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 SPECIFIC USE PERMIT FOR A BODY ART STUDIO IN THE CENTRAL BUSINESS DISTRICT ON LOT 18 BLOCK 1 OF THE PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 117 E. MAIN ST; TO BE KNOWN AS THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.

- 9B.** [ORD-0130](#) 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 RESCINDING AN EXISTING SPECIFIC USE PERMIT APPROVED THROUGH ORDINANCE NO. 1068-11-02-08 FOR A BODY ART STUDIO ON LOTS 10-12, BLOCK A PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 101 E. PECAN ST; AS RELATED TO A CONDITION OF APPROVAL FOR THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT APPLICATION FOR 117 E. MAIN ST (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.
- 9C.** [ORD-0131](#) 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 AN AMENDMENT TO THE SPECIAL DISTRICT ORDINANCE NO. 1091-11-10-25 FOR A LIGHT INDUSTRIAL USE IN CORRIDOR URBAN CENTER LEVEL 5 (CL5) FOR LOT 4 OF THE RENEWABLE ENERGY PARK SUBDIVISION, APPROXIMATELY 15 ACRES OUT OF THE W. CALDWELL SURVEY NO. 66, ABSTRACT 162, PFLUGERVILLE, TX, GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF SH 130 AND E. PECAN STREET, TO BE KNOWN AS THE PROJECT JERSEY SPECIAL DISTRICT. (SD1211-01), AND PROVIDING AN EFFECTIVE DATE.
- 9D.** [ORD-0132](#) 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 LIGHT INDUSTRIAL USE IN CORRIDOR URBAN LEVEL 4 (CL4) ON APPROXIMATELY 40.36 ACRES OUT OF THE T.G. STEWART SURVEY NO. 6 AND THE H. BLESSING SURVEY NO. 3, IN TRAVIS COUNTY, TX, GENERALLY LOCATED NEAR THE INTERSECTION OF W. PFLUGERVILLE PARKWAY AND F.M. 685, TO BE KNOWN AS THE DATA CENTER PARK SPECIAL DISTRICT. (SD1210-02), AND PROVIDING AN EFFECTIVE DATE.

10. Resolution

- 10A.** [RES-0126](#) Approving a Resolution supporting the City of Pflugerville's participation

in the Lower Colorado River Authority (LCRA) Firm Water Users Coalition Group.

11. Other Actions

- 11A. [2013-1577](#) Authorizing the City Manager to enter into an agreement with Texas Longhorn Aquatics (TXLA) for competitive swim team management and associated rental of the Gilleland Creek Pool, and to allow for the transition of the City of Pflugerville's Pflugerville Area Swim Team (PFAST) to TXLA.
- 11B. [2013-1592](#) Receive report on City Council, Commission, Board and Committee expenditures for December 2012.
- 11C. [2013-1604](#) Approving registration fees for Mayor Pro Tem Victor Gonzales in the amount of \$325.00 to attend the 2013 Elected Officials' Conference and Legislative Briefing in Austin, Texas, from February 1-4, 2013.

Action on the Consent Agenda

12. Discuss and consider action

- 12A. [2013-1590](#) Discuss and consider action regarding future agenda items.
- 12B. [2013-1595](#) 1.) Executive Session Item: Consultation with legal counsel regarding Texas law and procedure related to Council action on a petition for the creation of the proposed Travis County Emergency Services District No. 2A pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding petition for the creation of the proposed Travis County Emergency Services District No. 2A.
- 12C. [2013-1572](#) 1.) Executive Session Item: Deliberations regarding 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 a Pflugerville Community Development Corporation (PCDC) Performance Agreement with Lil Mama's Delicious Desserts and More L.L.C. 2.) Open Session Item: Discuss and consider action to approve a Pflugerville Community Development Corporation Performance Agreement with Lil Mama's Delicious Desserts and More L.L.C.
- 12D. [2013-1594](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding need to clarify a compensation term in the City Manager's employment agreement. 2.) Open Session Item: Discuss and consider action regarding need to clarify a compensation term in the City Manager's employment agreement.

13. Discuss only

- 13A.** [2013-1588](#) 1.) Executive Session Item: Consultation with legal counsel regarding the City's land use and building regulatory authority pursuant to Chapter 551.071 of the Texas Government Code.
- 13B.** [2013-1591](#) 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.
- 13C.** [2013-1593](#) 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.
- 13D.** [2013-1608](#) 1.)Executive Session Item: Consultation with legal counsel regarding regulation of smoking paraphernalia shops pursuant to Chapter 551.071 of the Texas Government Code.

14. 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 January 2, 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.