



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, July 24, 2012

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:01 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Karen Thompson, City Secretary; James Wills, Public Works Director; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; Jim McLean, Assistant Police Chief; Laura Wilkes, Police Lieutenant; Wiley Webb, Utilities Superintendent; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Jim Bowlin, Parks and Recreation Director; Blake Overmyer, Building Official; Dan Franz, City Engineer; Jennifer Coffey, Assistant Library Director; Lisa Charbonnet, Library Director; Darrell Winslett, Water Conservation Coordinator; Sabrina Schmidt, Accounts Payable/Purchasing; Patricia Rinehart, Public Works Admin Tech.

#### 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.**

Mayor Coleman led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States.

**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.**

Mayor Coleman led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

#### 3. Presentation

**3A. 2012-1129** Water Conservation - how are we doing? How can we further conserve?

Mr. Wills provided information on the status of the City's water supply and water conservation education efforts. He answered questions of the City Council.

#### 4. Public Comment

There were no requests to speak under the public comment item.

### Reading of the Consent Agenda

Items 6E, 7B, 7C and 7G were removed from the consent agenda. Ms. Thompson read the items under consideration.

#### 5. Approval of Minutes

- 5A. 2012-1311 Approval of the minutes of the July 10, 2012 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

#### 6. Resolutions

- 6A. RES-0095 Approving a resolution to release the development agreement for Laserwash of Georgetown to allow for uses consistent with the current zoning of the property, located at 685 Business Park, Block A, Lot 1B, immediately north of the Dolphin Laserwash at 903 FM 685.

The resolution was approved on the consent agenda.

- 6B. RES-0096 Approving a resolution for an interlocal agreement for joint and cooperative purchasing by and between the cities of Pflugerville, Round Rock, Cedar Park, Hutto, Leander, Georgetown, Taylor and the Brushy Creek Regional Utility Authority, Inc. and other eligible governmental entities and authorizing the City Manager to execute same.

The resolution was approved on the consent agenda.

- 6C. RES-0097 Approving a resolution authorizing the City Manager to execute a contract for banking services with First Texas Bank.

The resolution was approved on the consent agenda.

- 6D. RES-0098 Approving a resolution providing for the update of the Pflugerville Community Library policies.

The resolution was approved on the consent agenda.

#### 7. Other Actions

- 7A. 2012-1273 Approving a Right-of-Way Easement Agreement and a Special Warranty Deed by and between A-S 93 SH 130-SH 45, L.P. (NewQuest) and the City of Pflugerville, and authorizing the City Manager to execute the same.

The item was approved on the consent agenda.

- 7D. 2012-1316** Approving Mayor Pro Tem Victor Gonzales' attendance of the Texas Municipal League Annual Conference in Grapevine, Texas from November 13, 2012 to November 16, 2012 and related hotel expenses.
- The item was approved on the consent agenda.
- 7E. 2012-1317** Review of the Quarterly Investment Report for the quarter ending March 31, 2012.
- The item was approved on the consent agenda.
- 7F. 2012-1320** Approving Change Order Number One for the Pflugerville Community Library Expansion and Renovation Project in the amount of \$236,695.91.
- The item was approved on the consent agenda.

### **Action on the Consent Agenda**

Mr. White made a motion to approve the consent agenda. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

### **Resolution (Removed from the Consent Agenda)**

- 6E. RES-0090** Approving a resolution concerning standardized, high stakes testing of Texas public school students.
- Mr. Gonzales stated that Dr. Troy Galow, Deputy Superintendent of the Pflugerville Independent School District, was in attendance. Dr. Galow provided information on their challenge to the state to find a system more beneficial to students and teachers. He stated that their board had approved the resolution. Mr. Cooper indicated that he had pulled the item to allow Mr. Galow to speak. Mr. White stated that his wife is a teacher and indicated support for the resolution. Mr. Gonzales stated that he went to a meeting last week on the subject and that it is complicated. He stated that it is important to support this. Mr. Cooper made a motion to approve the resolution. Mr. White seconded the motion. All voted in favor. The motion carried.

### **Other Actions (Removed from the Consent Agenda)**

- 7B. 2012-1281** Approving a Professional Services Agreement with Lockwood, Andrews and Newnam (LAN) in the amount of \$274,628 for the preparation of a Wastewater Master Plan update and authorizing the City Manager to execute the agreement.
- Mayor Coleman stated that he had pulled the item to allow for information to be provided. Mr. Word provided information. Mr. Wade indicated that it is essentially the wastewater component equivalent to the water master plan. Mr. Gonzales made a motion to approve the item. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

- 7C. 2012-1295** Approving the selection of Davcar Engineering for the Design and Construction Project Management of two (2) new Skate Spots and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.
- Mr. Cooper stated that he wanted additional information on how they selected Davcar. Mr. Word indicated that skate parks are a niche item and many do not have the experience. He stated that there are a small group of designers in the country that do this work. He explained that Davcar stood out because they are somewhat a local firm, out of Austin, which would decrease travel costs for this relatively small project and that they have experience in building skate parks and successfully completing them. He stated that he thinks it is an appropriate firm to accomplish the project. Mr. Cooper indicated he was satisfied. Mayor Coleman stated that he did receive an email from a concerned citizen this afternoon which asked if the city could be sued if a skateboarder was hurt or injured. Mr. Hyde explained that anyone can file a lawsuit but there are adequate defenses to protect the city, and this would be treated similar to other parks facilities. Mr. Cooper asked if it is possible to request the actual qualifications submittal be included with the agenda item and stated that he thinks that is helpful. Mr. Wade directed staff to return to the practice of including that with the agenda item information. Mr. Cooper made a motion to approve. Mr. Marshall seconded the motion. All voted in favor. The motion carried.**
- 7G. 2012-1323** Authorizing the City Manager to Issue a One Year Notice of Intent to Terminate Agreement for all existing youth sports agreements, and authorizing staff to begin developing a youth sports policy for consideration by the City Council.
- Mayor Coleman indicated that he asked for this item to be placed on the agenda and asked that it be pulled. He stated that he wanted to provide an update and explain it further. He explained that this is to begin the process of working on the long-term resolution to the city's youth sports policy and agreements with youth sports groups. He stated a need to think it through and make it equitable. Mr. Marshall stated that there really is not a way to fix it without providing the termination. He indicated that this is the start. Mr. Cooper made a motion to approve the item. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.**
- 8. Discuss and consider action**
- 8A. 2012-1310** Discuss and consider action regarding future agenda items.
- No items were noted.**
- 8B. 2012-1308** 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 proposed First Addendum to the Economic Development Agreement by and between the City of Pflugerville and Terrell Timmermann. 2.) Open Session Item: Discuss and consider action regarding a

proposed First Addendum to the Economic Development Agreement by and between the City of Pflugerville and Terrell Timmermann.

**This item was considered at the same time as item 8C.**

- 8C. 2012-1309** 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 approving and restating the Economic Development Agreement for Arista Data Centers, LLC with the City of Pflugerville. 2.) Open Session Item: Discuss and consider action regarding approving and restating the Economic Development Agreement for Arista Data Centers, LLC with the City of Pflugerville.

**Mayor Coleman stated that items 8B and 8C were discussed in executive session during the worksession. Mr. Hyde stated that Mr. Fletcher was available to answer questions regarding the project and he was available to answer legal questions. Mr. Gonzales made a motion to approve items 8B and 8C. Ms. Sattler seconded the motion. All voted in favor. The motion carried.**

**9. Discuss only**

- 9A. 2012-1312** 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.

**This item was to be discussed in executive session during the earlier worksession. There was no discussion or action on the item during the regular meeting.**

- 9B. 2012-1313** 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.

**This item was to be discussed in executive session during the earlier worksession. There was no discussion or action on the item during the regular meeting.**

**10. Adjourn**

**Mr. Cooper made a motion to adjourn. Mr. Marshall seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 7:32 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as \_\_\_\_\_ on August 14, 2012.**