



City of Pflugerville

Minutes - Final City Council

Tuesday, December 13, 2011

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White and Starlet Sattler were in attendance. Mayor Pro Tem Victor Gonzales was absent. City employees in attendance: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Karen Thompson, City Secretary; Chuck Hooker, Police Chief; Laura Wilkes, Police Lieutenant; Terri Waggoner, Public Information Officer; Blake Overmyer, Building Official; Lisa Charbonnet, Library Director; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Sabrina Schmidt, Accounts Payable/Purchasing.

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. Presentations

3A. 2011-0952 Appreciation presentation to Pointe of Grace Lutheran Church and The Bridge Church for their participation in the Serve the City day of volunteerism in Pflugerville.

Mayor Coleman reviewed photographs of the projects completed during the Serve the City day of volunteerism in Pflugerville and presented certificates of appreciation to Pointe of Grace Lutheran Church and The Bridge Church for their participation.

- 3B. 2011-0911 Presentation by Mr. Charles Dupre, Pflugerville Independent School District Superintendent, regarding their school finance litigation case.

Mr. Dupre presented information on the Texas Taxpayer and Student Fairness Coalition School Finance Lawsuit and answered questions of the City Council. Mayor Coleman provided comments.

- 3C. 2011-0962 Presentation of Texas Comptroller Leadership Circle 2011 Silver Award for financial transparency.

Mayor Coleman presented the award to Ms. Beth Davis, Finance Director.

4. Public Comment

Brent Hurta, 6104 Murrelet Way, did not wish to speak but asked that the Mayor enter for the record his support for the development of a skate spot or skate facility in Pflugerville.

Debbie McClure, Outreach Director for Harmony Schools provided information on Harmony Schools and introduced Mr. Iskander, High School Counselor. Mr. Iskander provided information and presented an artwork gift to the Mayor on behalf of their students and the Harmony School. Harmony students Deniz Soydan, Ayan Ali and Josh James; Mrs. White, Dean of Academics, Mr. Altindag, North Austin Principal; and Mr. Coskuner, Austin Superintendent, were also in attendance.

Reading of the Consent Agenda

Ms. Thompson read the items along with the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. 2011-0936 Approval of the minutes of the November 15, 2011 Worksession and Special Meeting; November 21, 2011 Special Meeting; and November 22, 2011 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

6. Ordinances First Reading

- 6A. **ORD-0089** Approving an ordinance on first reading with the caption reading: An ordinance of the City of Pflugerville, Texas GRANTING THE CONVEYANCE OF A 10' PRIVATE WASTEWATER EASEMENT ON CITY PROPERTY JOINTLY TO HW CARMEN INVESTMENTS AND DPS MEGACENTER 2000, LTD. ON A 10.51-ACRE TRACT OF LAND OUT OF THE L.C. CUNNINGHAM SURVEY, NO. 63, ABSTRACT NO. 163; AND MORE SPECIFICALLY DESCRIBED IN A DEED TO THE CITY OF PFLUGERVILLE, OF RECORD IN DOCUMENT NO. 2003293775 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

The ordinance was approved on first reading on the consent agenda

- 6B. **ORD-0090** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FIFTH AMENDMENT TO THE FISCAL YEAR 2010-2011 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on first reading on the consent agenda.

- 6C. **ORD-0094** Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS GRANTING THE CONVEYANCE OF A 3.557-ACRE (154,960 SQUARE FEET) PERMANENT EASEMENT, LYING AND SITUATED IN THE SUMNER BACON SURVEY NO. 62, ABSTRACT NO. 63, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 72.883 ACRE TRACT OF LAND, DESCRIBED IN THE DEED TO THE CITY OF PFLUGERVILLE, TEXAS AS RECORDED IN DOCUMENT #2008120172 OF THE PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

The ordinance was approved on first reading on the consent agenda.

7. Ordinances Second Reading

- 7A. **ORD-0083** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PFLUGERVILLE, TEXAS BY ADDING SUBCHAPTER 158, STORM WATER POLLUTION CONTROL ORDINANCE; REGULATING THE DISCHARGE OF POLLUTANTS INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR CONVEYANCES; ESTABLISHING A FINE OF NO MORE THAN \$2,000 FOR ANY VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (CA1110-01)

The ordinance was approved on second and final reading on the consent agenda.

7B. **ORD-0084** Approving an ordinance on second reading with the caption reading:
AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS,
GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL
SYSTEM, INC. FOR THE COLLECTION OF REFUSE FOR
MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL
ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS
OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE
FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

**The ordinance was approved on second reading on the consent agenda. A
third reading of the ordinance will be required for finalization.**

7C. **ORD-0085** Approving an ordinance on second reading with the caption reading:
AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS,
GRANTING A NON-EXCLUSIVE FRANCHISE TO IESI TX
CORPORATION. FOR THE COLLECTION OF REFUSE FOR
MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL
ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS
OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE
FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

**The ordinance was approved on second reading on the consent agenda. A
third reading of the ordinance will be required for finalization.**

7D. **ORD-0086** Approving an ordinance on second reading with the caption reading:
AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS,
GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL TEXAS
REFUSE, INC. FOR THE COLLECTION OF REFUSE FOR
MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL
ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS
OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE
FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

**The ordinance was approved on second reading on the consent agenda. A
third reading of the ordinance will be required for finalization.**

7E. **ORD-0087** Approving an ordinance on second reading with the caption reading:
AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS,
GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE
MANAGEMENT OF TEXAS INC. FOR THE COLLECTION OF
REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL
ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS
OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE
FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

**The ordinance was approved on second reading on the consent agenda. A
third reading of the ordinance will be required for finalization.**

- 7F. **ORD-0088** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO REPUBLIC SERVICES, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was approved on second reading on the consent agenda. A third reading of the ordinance will be required for finalization.

8. Resolutions

- 8A. **RES-0064** Approving a resolution of the City of Pflugerville, Texas appointing representatives to the Technical Advisory Committee of the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

The resolution was approved on the consent agenda.

- 8B. **RES-0065** Approving a resolution amending the membership composition of the Finance and Budget Committee to be comprised of one councilmember and four citizen members.

The resolution was approved on the consent agenda.

- 8C. **RES-0066** Approving a resolution appointing Mr. Mike Marsh, Position One, as chairman of Reinvestment Zone No. One (Falcon Pointe TIRZ) for a one-year term beginning January 1, 2012.

The resolution was approved on the consent agenda.

- 8D. **RES-0067** Approving a resolution for an interlocal agreement between the City of Pflugerville and the Harris County Department of Education to participate in a purchasing cooperative program for furnishings for the Pflugerville Community Library.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. **2011-0961** Cancelling the City Council's December 27, 2011, Worksession and Regular Meeting.

The item was approved on the consent agenda.

- 9B. 2011-0958 Approve the appointment of Mr. Jim Bowlin as Parks and Recreation Director.
The item was approved on the consent agenda.
- 9C. 2011-0862 Approving hotel expenses in the corrected amount of \$760.82 for Mayor Pro Tem Victor Gonzales' attendance at the Texas Municipal League Annual Conference.
The item was approved on the consent agenda.
- 9D. 2011-0949 Receive report on City Council, Commission, Board and Committee expenditures for November 2011.
The item was approved on the consent agenda.
- 9E. 2011-0953 Appointing Ms. Karen Doughty and Mr. Thomas Dunn as a regular members of the Board of Adjustment for a two-year terms beginning January 1, 2012.
The item was approved on the consent agenda.
- 9F. 2011-0954 Approving the Mayor's appointment of Mr. Christopher Clark and Ms. Cheryl Callicott to the Personnel Appeal Board for three-year terms beginning January 1, 2012.
The item was approved on the consent agenda.
- 9G. 2011-0960 Approving the selection of Lockwood, Andrews and Newnam, Inc. (LAN) for the preparation of an Impact Fee Study and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.
The item was approved on the consent agenda.
- 9H. 2011-0959 Approving a variance to Section DG8.1C of the Engineering Design Guidelines to allow the installation of a pole mounted transformer in conjunction with the construction of a lift station by the Pflugerville Community Development Corporation (PCDC).
The item was approved on the consent agenda.

Action on the Consent Agenda

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

10. Discuss and consider action

- 10A. 2011-0955 Discuss and consider action to make an appointment to the Pflugerville Community Development Corporation, Place 4 for an unexpired term ending December 31, 2012.
- Mayor Coleman provided information. Mr. White spoke on his interest in serving again on the Pflugerville Community Development Corporation (PCDC) Board. Ms. Karen Duncan spoke on her interest in serving on the PCDC Board. Mr. Cooper made a motion to appoint Karen Duncan to the unexpired term. The motion died for lack of a second. Mr. Marshall made a motion to appoint Mr. White to the unexpired term. The motion died for lack of a second. Mr. White made a motion to appoint Darelle White to the unexpired term. Mr. Marshall seconded the motion. The vote was Mr. Cooper-no; Mr. Marshall-yes; Mr. White-yes; Ms. Sattler-no. Mayor Coleman voted to break the tie. Mayor Coleman voted yes. The motion carried.
- 10B. 2011-0957 Discuss and consider action regarding future agenda items.
- No future agenda items were suggested under the item.

Executive Session

Mayor Jeff Coleman announced that the City Council was retiring to executive session for deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code and discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for the performance evaluation of the City Manager. The time was 7:43 p.m.

- 10C. 2011-0967 1.) Executive Session Item: Deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code. 2.) Open Session Item: Discussion regarding economic development negotiations.
- Discussion on the item was to take place in executive session. No action was taken.
- 10D. 2011-0956 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Manager. 2.) Open Session Item: Discuss and consider action regarding performance evaluation of the City Manager.
- Discussion on the item was to take place in executive session. No action was taken.

Executive Session Closed

Mayor Coleman reconvened in open session at 8:46 p.m. No action was taken.

11. Adjourn

Ms. Sattler made a motion to adjourn. Mr. White seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:46 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on January 10, 2012.