



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, September 11, 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 regular meeting to order at 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Starlet Sattler and Victor Gonzales were in attendance. Councilmember Darelle White were absent. City employees attending: 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; Dan Franz, City Engineer; Jim Bowlin, Parks Director; Terri Waggoner, Public Information Officer; Blake Overmyer, Building Official; Amy Good, Assistant Finance Director; Beth Davis, Finance Director; Lisa Charbonnet, Library Director; Tracy Hibbs, Utility Business Operations Manager; Chuck Hooker, Police Chief; Laura Wilkes, Police Lieutenant; Bill Edwards, Pflugerville Independent School District Police Chief.

#### 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. 2012-1401** Proclamation declaring September 11, 2012 "A Day of Service and Remembrance" in the City of Pflugerville

Mayor Coleman provided comments and read the proclamation and presented it to the first responders: fire, police, EMS in attendance.

**3B. 2012-1397** Proclamation declaring September 19, 2012 as "Texting & Driving- It Can Wait Day" in the City of Pflugerville.

Mayor Coleman introduced Susan Merrick of AT&T. Ms. Merrick provided

information on AT&T's initiative to not text while driving. Mayor Coleman read the proclamation and presented it to Ms. Merrick.

**3C. 2012-1400** Proclamation for the Healthy at H-E-B Community Challenge.

Ms. Waggoner presented on the item and Mayor Coleman read the proclamation.

**3D. 2012-1371** Video presentation on 2012 Pfun Camp.

Mr. Word presented the video under the item. Mayor Coleman provided comments on Pfun Camp being a great experience. Mayor Pro Tem Gonzales also provided comments.

**4. Public Hearing and Ordinance First Reading**

**4A. ORD-0117** Hold a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2013 BUDGET FOR THE CITY OF PFLUGERVILLE, TEXAS.

Mayor Coleman opened the public hearing and read the caption of the ordinance to be considered. Mr. Wade provided information. There were no requests to speak at the public hearing. Mr. Gonzales made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance adopting the fiscal year 2013 budget. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

**5. Ordinance First Reading**

**5A. ORD-0118** Approving an ordinance on first reading with the caption reading: TAX LEVY ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS.

Mayor Coleman read the item along with the ordinance caption under consideration. Mr. Wade stated that the City was reducing its property tax rate for the eighth year in a row from .599 to .594. He commended the Finance Department and Lauri Gillam for their efforts. Ms. Sattler made a motion to approve the ordinance adopting the tax levy ordinance with a property tax rate of .594. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**6. Public Comment**

Brent Hurta, 3104 Murrelet Way, invited everyone to attend a public input meeting for the development of the skate spots on September 19, 2012 at 6:00 p.m. in the City Council Chambers.

**Reading of the Consent Agenda**

Item 9A was removed from the consent agenda. Ms. Thompson read the items

along with the caption of the ordinance under consideration.

## 7. Approval of Minutes

- 7A. **2012-1380** Approval of the minutes of the August 21, 2012 Worksession and August 28, 2012 Worksession and Regular Meeting.  
The minutes were approved on the consent agenda.

## 8. Ordinance Second Reading

- 8A. **ORD-0115** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE SECOND AMENDMENT TO THE FISCAL YEAR 2011-2012 BUDGET FOR THE CITY OF PFLUGERVILLE; AND PROVIDING AN EFFECTIVE DATE.  
The ordinance was approved on second and final reading on the consent agenda.

## 9. Other Actions

- 9B. **2012-1396** Receive report on City Council, Commission, Board and Committee expenditures for August 2012.  
The item was approved on the consent agenda.
- 9C. **2012-1398** Approving Association of Hispanic Municipal Officials (AHMO) membership dues in the amount of \$50.00 for Mayor Pro Tem Victor Gonzales.  
The item was approved on the consent agenda.
- 9D. **2012-1399** Approving a reimbursement request in the amount of \$123.23 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses.  
The item was approved on the consent agenda.
- 9E. **2012-1360** Authorize the City Manager to execute a contract for a five year extension with Progressive Waste Solutions (formerly IESI TX Corporation) to the exclusive franchise agreement for the collection, hauling, recycling and disposal of municipal solid waste and recyclable materials for the City of Pflugerville.  
The item was approved on the consent agenda.

## Action on the Consent Agenda

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

**Other Actions-Removed From the Consent Agenda**

- 9A. 2012-1377** Approving a request for a variance to Section DG8.1C of the Engineering Design Guidelines to allow the installation of pole mounted transformers to serve proposed street lights along Swenson Farms Blvd and Pfennig Lane.

Mr. Fletcher answered a question regarding the easement area by Mr. Cooper. Mr. Cooper stated that the Council has considered a few of these variance requests recently and asked if the underground requirements are still justified. Mr. Fletcher explained that he and the City Engineer are reevaluating the requirements to consider if they are justified when utility poles are already present. Mr. Cooper made a motion to approve the variance. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

**10. Ordinance Second Reading**

- 10A. ORD-0112** 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 BAR/TAVERN IN THE CENTRAL BUSINESS DISTRICT ON LOTS 14 & 15, BLOCK 1 OF THE PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 111 E. MAIN ST.; TO BE KNOWN AS THE STEIN & STEM SPECIFIC USE PERMIT (SUP1207-01), AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman stepped down from the dais as he had a conflict of interest being a substantial interest in the business Stein & Stem, 111 East Main Street, the subject of the item under consideration. Mayor Coleman filed a conflict of interest affidavit with the City Secretary prior to the start of the meeting. Mayor Coleman did not participate in the discussion or vote on the item. Mr. Marshall stepped down from the dais as he had a conflict of interest being a substantial interest in the business Stein & Stem, 111 East Main Street, the subject of the item under consideration. Mr. Marshall filed a conflict of interest affidavit with the City Secretary prior to the start of the meeting. Mr. Marshall did not participate in the discussion or vote on the item. Mayor Pro Tem Gonzales and Councilmembers Cooper and Sattler constituted a quorum. Mayor Pro Tem Gonzales was presiding. Mayor Pro Tem Gonzales read the item along with the caption of the ordinance under consideration.

Mr. Cooper made a motion to approve the specific use permit. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mayor Coleman and Mr. Marshall retook their places at the dais following the action on the item.

**11. Discuss and consider action**

- 11A. 2012-1402** Discuss and consider action regarding voting in the election for the Texas Municipal League Intergovernmental Risk Pool Board of

Trustees.

Mr. Cooper nominated Kavon Novak for Place 11. Mr. Gonzales seconded the motion. All voted in favor. The motion carried. Mr. Gonzales nominated Pete Gonzalez for Place 12. Mr. Cooper seconded the motion. All voted in favor. The motion carried. Mr. Cooper nominated Gary Kent for Place 13. Mr. Gonzales seconded the motion. All voted in favor. The motion carried. Mr. Gonzales nominated Michael Nyren for Place 14. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**11B. 2012-1381** Discuss and consider action regarding future agenda items.

Mr. Hyde requested a future agenda item to consider Council participation in the upcoming Formula 1 event to evaluate economic development impact.

**12. Discuss only**

**12A. 2012-1394** 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.

The subject of the item was discussed during the earlier worksession. There was no discussion or action on the item during the regular meeting.

**12B. 2012-1395** 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.

The subject of the item was discussed during the earlier worksession. There was no discussion or action on the item during the regular meeting.

**13. Adjourn**

Ms. Sattler made a motion to adjourn. Mr. Cooper seconded the motion. All voted in favor. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Karen Thompson

Approved as \_\_\_\_\_ on September 25, 2012.