



City of Pflugerville

Minutes - Final City Council

Tuesday, August 28, 2012

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Pro Tem Victor Gonzales called the meeting to order at 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White and Starlet Sattler were in attendance. Mayor Jeff Coleman was 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; Terri Waggoner, Public Information Officer; Dan Franz, City Engineer; Blake Overmyer, Building Official; Jim Bowlin, Parks Director; Laura Wilkes, Police Lieutenant; Jim McLean, Assistant Police Chief; Chuck Hooker, Police Chief; Beth Davis, Finance Director.

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 Pro Tem Gonzales 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 Pro Tem Gonzales led those in attendance in reciting the Pledge to the Texas State Flag.

3. Presentation

- 3A. [2012-1328](#) Back to school safety reminders presentation.

Chief Hooker presented on the item and answered questions of the City Council.

4. Public Hearing and Ordinance First Reading

- 4A. [ORD-0112](#) 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 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 Pro Tem Gonzales read the item along with the caption of the ordinance under consideration. 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. He did not participate in the discussion or vote on the item. Mr. Fletcher provided information on the item.

Eddie Zamora, 21415 Martin Lane, asked if the property is being purchased and who the purchaser is. Mayor Pro Tem Gonzales stated that it is his understanding that it is a group of investors to include Mayor Jeff Coleman and Councilmember Brad Marshall. Mr. Fletcher indicated that the principal investor is Shannon Coleman.

Scott Johnson, 306 N. 1st Street, did not wish to speak, but asked that the Mayor Pro Tem announce his support.

There were no additional requests to speak at the public hearing. Mr. White made a motion to close the public hearing. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

Mr. Cooper made a motion to approve the ordinance on first reading as submitted. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. Marshall retook his place on the dais following the vote on the item.

5. Public Comment

Brent Hurta, 3104 Murrelet Way, did not wish to speak but asked that the Mayor Pro Tem announce his support for a skate spot/park in Pflugerville.

Reading of the Consent Agenda

Item 9C was removed from the consent agenda. Ms. Thompson read the items along with the caption of the ordinance under consideration.

6. Approval of Minutes

- 6A. [2012-1367](#) Approval of the minutes of the August 14, 2012 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances First Reading

- 7A. [ORD-0115](#) Approving an ordinance on first 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 first reading on the consent agenda.

8. Resolution

- 8A. [RES-0101](#) Approving a resolution authorizing the City Manager to execute an interlocal cooperation agreement with the Pace Purchasing Cooperative.

The resolution was approved on the consent agenda.

9. Other Actions

- 9A. [2012-1376](#) Authorizing the City Manager to declare the City's intent to exercise the City's option to require the dedication of 20.325 acres of land by Robert M. Tiemann as identified in the "Sixth Amendment To Comprehensive Development Agreement" between Rowe Lane Development, Ltd., Robert M. Tiemann, Tiemann Land and Cattle Development, Inc., SLF IV - Blackhawk, L.P., and the City of Pflugerville.

The item was approved on the consent agenda.

- 9B. [2012-1366](#) Authorizing the City Manager to execute a Wastewater Easement Agreement and a Public Utility Easement Agreement between Continental Homes of Texas, L.P. and the City of Pflugerville for necessary utility extensions associated with Highland Park Phase D, Section 3 and Phase B, Section 4, respectively.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

Other Actions (Removed from Consent Agenda)

- 9C. [2012-1372](#) Approving the schedule for soccer practices at the Wells Point Soccer Complex and authorizing the City Manager or his designee to assign practice fields for the Fall 2012 Soccer Season.

Mr. Word provided information to include the proposed schedule. He explained that they would be working through the agreements over the next

year. Mr. Cooper asked if the leagues pay for upkeep. Mr. Word stated that the Pflugerville Area Youth Soccer League (PAYSL) puts a considerable amount of money into the facilities and the city mows and does maintenance. Mr. Word stated that PAYSL is requesting that the Texans participate in those costs and that will be a part of the discussions in the next few weeks. Mr. Word explained that the property and fields belong to the city and in the past PAYSL had first right to the fields. He stated that they would be working through this with the leagues, the Parks Commission and the Council over the next year to determine the most appropriate policy. Council discussion followed. Mr. White stated that he is satisfied that the City is doing this properly and trying to be fair. Mr. White made a motion to approve the schedule for soccer practices at the Wells Point Soccer Complex and to authorize the City Manager or his designee to assign practice fields for the Fall 2012 soccer season. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

10. Resolution

- 10A. [2012-1374](#) Approving a resolution directing staff to initiate non-annexation development agreement offers to eligible owners of land appraised for ad valorem tax purposes as land for agricultural use under Chapter 23, Tax Code.

Mr. Fletcher provided information and answered questions of the City Council. Mr. Hyde also provided input on the item. Mr. Cooper made a motion to approve the resolution. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

11. Discuss and consider action

- 11A. [2012-1363](#) Authorizing the City Manager to execute a Professional Services Agreement with Halff Associates, Inc. in the amount of \$129,900 for the preparation of an Athletic Complex and Randig Tract Feasibility Study.

Mr. Cooper stepped down from the dais as he had a conflict of interest being a substantial interest in Halff Associates, Inc. Mr. Cooper filed a conflict of interest affidavit with the City Secretary prior to the start of the meeting. He did not participate in the discussion or vote on the item. Mr. Word provided information and answered questions of the City Council. He indicated that this was one of the General Capital Reserve projects for this year. Ms. Sattler made a motion to approve. Mr. White seconded the motion. All voted in favor. The motion carried.

Mr. Cooper retook his place on the dais following the vote on the item.

- 11B. [2012-1362](#) Discuss and consider action regarding future agenda items.

Mr. Cooper requested a future item to discuss a traffic law education program.

12. Discuss only

Mayor Pro Tem Gonzales announced that the City Council was retiring to executive session on items 12A and 12B. He read the items and retired to

executive session. The time was 7:43 p.m.

- 12A.** [2012-1368](#) 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.

Discussion on the item was to take place in executive session. No action was taken.

- 12B.** [2012-1369](#) 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.

Discussion on the item was to take place in executive session. No action was taken.

13. Adjourn

Mayor Pro Tem Gonzales reconvened in open session at 8:23 p.m. Mr. White made a motion to adjourn. Mr. Cooper seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on September 11, 2012.