



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, June 12, 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 7:05 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; 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 and Recreation Director; Terri Waggoner, Public Works Director; Lisa Charbonnet, Library Director; Tracy Hibbs, Utility Business Operations Manager.

#### 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 to the Texas State Flag.

Items were addressed in the order as recorded in the minutes.

#### 3. Presentation

**3A. 2012-1249** The Pflugerville Community Library presents "Get a Clue... at the Library!" this summer.

Ms. Charbonnet provided an update on happenings at the Library.

#### Reading of the Consent Agenda

Ms. Thompson read the items along with the caption of the ordinance under consideration.

**5. Approval of Minutes**

- 5A. 2012-1242** Approval of the minutes of the May 22, 2012 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

**6. Ordinance Second Reading**

- 6A. ORD-0098** Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DECLARING DONATION CONTAINERS TO BE A NUISANCE; PROVIDING FOR ABATEMENT; PROVIDING FOR CRIMINAL PENALTIES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**7. Other Actions**

- 7A. 2012-1236** Awarding a construction contract for the Kelly Lane Street Rehabilitation Project (from Moorlynch Drive to Weiss Lane) to Smith Contracting Co., Inc. and authorizing the City Manager to execute the contract agreement and authorizing the City Engineer to issue the Notice of Award and Notice to Proceed. Four (4) bids were received on May 11, 2012 and Smith Contracting Co., Inc. was the lowest responsive bidder in the amount of \$571,691 (to include base bid plus City selected Alternate #1).

The item was approved on the consent agenda.

- 7B. 2012-1237** Authorizing the City Manager to execute an agreement with K Friese & Associates, Inc. for Bid & Construction Phase Services for the Colorado Sand Drive Roadway, Drainage and Utility Improvements CIP project (from Kelly Lane south to the proposed Copper Mine Drive, Copper Mine Drive from the northbound service road to the existing Hendrickson High School service road, and Autumn Slate Drive from Colorado Sand Drive to Benning Drive) in an amount not to exceed \$310,770.00.

The item was approved on the consent agenda.

- 7C. 2012-1240** Approving and authorizing the City Manager to enter into a Sight Visibility Easement by and between the Pflugerville Loop, LTD, VRE Pflugerville, LLC, and the City of Pflugerville located at the

southeastern corner of Lot 4A, Block A, of Amending Plat, Lot 4, Block A of the Springbrook Commercial Subdivision.

The item was approved on the consent agenda.

- 7D. 2012-1243** Receive report on City Council, Commission, Board and Committee expenditures for May 2012.

The item was approved on the consent agenda.

- 7E. 2012-1256** Approving the selection of Lockwood, Andrews and Newnam, Inc. (LAN) for the preparation of an update to the Wastewater Master Plan 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.

### Action on the Consent Agenda

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

### 4. Public Comment

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

### 8. Resolutions

- 8A. RES-0085** Discuss and consider action regarding a resolution opposing rail on the MoKan corridor in Pflugerville.

Mayor Coleman stated that he requested that this resolution be placed on the agenda for consideration. Mr. Fletcher provided information. He stated that the Project Connect North Open House would be held Tuesday, June 19, 2012 at the Pflugerville Justice Center from 5:00 p.m. to 8:00 p.m. He stated that information is available from the City's website. City Council discussion followed regarding their concerns for locating rail on the MoKan corridor in Pflugerville. The Council was in agreement that another location would better serve the community.

Clark Meier, 1207 Mountain View Drive, stated he was in attendance to speak in favor of rail for Pflugerville. He stated that he thinks we need to attract business. He stated he would like rail to come through Pflugerville, that he understands there are detractors on the MoKan and that there are better options. He stated that he hopes the Council is not against rail and that he is surprised that they are in a hurry to say no when the open house is next week. He stated that it is the last clause of the resolution that is completely oppositional. He stated that we should declare our focus is to find the best rail solution.

Mayor Coleman stated that the reason that he thought it was important to give the resolution to Capital Metro was to declare our opposition for rail on MoKan

early on. He stated that they are not saying no to rail. He stated that this is a very practical Council. He stated that they are fiscally conservative, and assuming that the money could be worked out, that he wants the rail system that can help the most people. He stated that down the MoKan will not help the most people. He stated that there are other options that would be better. He stated that they are not saying no to rail, that they are saying no to rail down the MoKan. He stated that there are parts of rail that are wonderful and that they understand the need, that they are just really concerned that the MoKan has been identified because it is easy.

There was continued discussion on the item. Mr. Wade indicated that he would personally make sure that Doug Allen of Capital Metro knows that the Council is not against rail; only against rail on the MoKan.

Mr. White made a motion to approve the resolution as written. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

## 9. Discuss and consider action

- 9A. 2012-1255** Discuss and consider action to approve the selection of Halff Associates, Inc. for the preparation of an Athletic Complex and Randig Tract Feasibility Study and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

Mayor Coleman announced that Mr. Cooper had stepped down from the dais as he had a conflict of interest on the item because he is employed by Halff and Associates. Mr. Word provided information and answered questions of the Council. Mr. Gonzales made a motion to approve. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 9B. 2012-1260** Discuss and consider action to authorize the City Manager to enter into negotiations with Progressive Waste Solutions (formerly IESI TX Corporation) to allow for a two-year extension to the exclusive franchise agreement for the collection, hauling, recycling and disposal of municipal solid waste and recycling material in the City of Pflugerville which terminates January 31, 2013.

Mr. Cooper retook his place at the dais. Ms. Gillam provided information. Mr. Gonzales asked that in the negotiations they look at different areas to explore in recycling. Ms. Gillam indicated that they would and that they are looking for a fixed cost. She stated that the company has fulfilled their obligations in the current agreement. Ms. Gillam indicated that staff would welcome input from Council. Mr. White stated he thought finding new ways to use the marketing money was a great idea. Mr. Gonzales made a motion approve. Mr. White seconded the motion. All voted in favor. The motion carried.

- 9C. 2012-1246** Discuss and consider action regarding the City of Pflugerville's participation in the Austin Chamber of Commerce Intercity visit to San Jose/Silicon Valley from September 30 to October 2, 2012.

Mr. Gonzales indicated an interest in attending.

- 9D. 2012-1241** Discuss and consider action regarding future agenda items.

No items were noted.

### Executive Session

Mayor Coleman announced that the City Council was retiring to Executive Session on items 9E, 9F, 9G, 10A and 10B. He read the items and retired to executive session at 8:13 p.m.

- 9E. 2012-1163** 1.)Executive Session Item: Consultation with legal counsel regarding Consent of the City of Pflugerville, Texas to the Assumption of the New Sweden Development Agreement to Graham Mortgage Corporation pursuant to Chapter 551.071 of the Texas Government Code. 2.) Open Session Item: Discuss and consider action regarding Consent of the City of Pflugerville, Texas to the Assumption of the New Sweden Development Agreement to Graham Mortgage Corporation.
- Discussion on the item took place in executive session. Mayor Coleman reconvened in open session at 9:17 p.m. to consider action on the item. Mr. Marshall made a motion to approve the item. Mr. White seconded the motion. All voted in favor. The motion carried.

### Executive Session

Mayor Coleman returned to executive session for discussion on the remaining items: 9F, 9G, 10A and 10B. The time was 9:18 p.m.

- 9F. 2012-1257** 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. 2.) Open Session Item: Discussion and consider action regarding agreements with Manville Water Supply Corporation.
- Discussion on the item was to take place in executive session. No action was taken.
- 9G. 2012-1258** 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. 2.)Open Session Item: Discuss and consider action 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.
- 10. Discuss only**
- 10A. 2012-1244** 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the City Attorney. 2.) Open Session Item: Discussion regarding the performance evaluation of the City Attorney.

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

- 10B. 2012-1270** 1.) Executive Session Item: Deliberation regarding the sale of real property pursuant to Chapter 551.072 of the Texas Government Code.  
2.) Open Session Item: Discussion regarding the sale of real property.

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

**Executive Session Closed**

Mayor Coleman recovened in open session at 11:28 p.m. No action was taken.

**11. 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 11:28 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on June 26, 2012.