



City of Pflugerville

Minutes - Final City Council

Tuesday, January 10, 2012

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:00 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; Beth Davis, Finance Director; Amy Good, Assistant Finance Director; Sabrina Schmidt, Accounts Payable/Purchasing; Deborah Jones, Admin Tech; KanDee Mirtsching, Payroll.

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 of America.

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. Presentations

3A. 2012-0692 Proclamation declaring January 2012 as School Board Recognition Month in the City of Pflugerville.

Mayor Coleman read the proclamation declaring January 2012 as School Board Recognition Month in the City of Pflugerville.

- 3C. 2012-0977 Presentation of Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended September 30, 2010.
- Mayor Coleman presented the award to Ms. Beth Davis, Ms. Amy Good, Ms. Sabrina Schmidt, Ms. Deborah Jones and Ms. KanDee Mirtsching. Ms. Davis provided comments and thanked the staff.
- 3D. 2012-0978 Presentation of Government Finance Officers Association (GFOA) Award for Outstanding Achievement in Popular Annual Financial Reporting for the fiscal year ended September 30, 2010.
- Mayor Coleman spoke on his appreciation for the easy to read pamphlet and presented the award to Ms. Beth Davis, Ms. Amy Good, Ms. Sabrina Schmidt, Ms. Deborah Jones and Ms. KanDee Mirtsching. Ms. Davis stated that this year's pamphlet would be available at the end of March.
- 3B. 2012-0980 Award presentation to Police Chief Chuck Hooker for 2011 Outstanding Crime Prevention Manager from the Central Texas Crime Prevention Association (CTCPA).
- Mayor Coleman extended appreciation and presented the award to Chief Hooker.

4. Public Comment

Brent Hurta, 3104 Murrelet Way, reported that the City of Conroe just opened a skate park and that a study was taking place in Arizona regarding constructing drainage ditches with smooth transitions. He stated that the Pflugerville Community Development Corporation would be considering providing funding for a skate spot.

Reading of the Consent Agenda

Item 8A was removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. 2012-0985 Approval of the minutes of December 2, 2011 Quorum; December 8, 2011 Quorum; December 13, 2011 Worksession and Regular Meeting; and December 30, 2011 Quorum.
- The minutes were approved on the consent agenda.

6. Ordinances Second Reading

- 6A. **ORD-0089** Approving an ordinance on second 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 second and final 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 second and final reading on the consent agenda.

- 6C. **ORD-0094** Approving an ordinance on second 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 second and final reading on the consent agenda.

7. Ordinances Third Reading

- 7A. **ORD-0084** Approving an ordinance on third 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 third and final reading on the consent agenda.

- 7B. **ORD-0085** Approving an ordinance on third 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 third and final reading on the consent agenda.

- 7C. **ORD-0086** Approving an ordinance on third 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 third and final reading on the consent agenda.

- 7D. **ORD-0087** Approving an ordinance on third 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 third and final reading on the consent agenda.

- 7E. **ORD-0088** Approving an ordinance on third 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 third and final reading on the consent agenda.

9. Other Actions

- 9A. 2012-0983 Receive report on City Council, Commission, Board and Committee expenditures for December 2011.
The item was approved on the consent agenda.
- 9B. 2012-0986 Approving registration fees and hotel costs for Mayor Pro Tem Victor Gonzales to attend the 2012 Elected Officials' Conference in San Antonio, Texas, from February 17-19, 2012.
The item was approved on the consent agenda.
- 9C. 2012-0990 Appointing Mr. Brian Burkinshaw as a regular member and Mr. Warren Jones as an alternate member of the Board of Adjustment for terms ending December 31, 2012.
The item was approved on the consent agenda.
- 9D. 2012-0770 Review of the Quarterly Investment Report for the quarter ending September 30, 2011.
The item was approved on the consent agenda.

Action on the Consent Agenda

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

8. Resolution

- 8A. RES-0068 Resolution declaring the property located at 102 South Third Street as surplus property to the City of Pflugerville and authorizing the sale of the property through sealed bids.
Ms. Gillam provided information and there was discussion regarding the item. Ms. Sattler stated that it was her effort to get the property back on the tax rolls. Mr. Hyde explained that the proceeds from the sale would need to be used for a similar purpose. Mr. Cooper made a motion to approve item 8A. Mr. White seconded the motion. All voted in favor. The motion carried.

10. Discuss and consider action

- 10A. 2012-0988 Discuss and consider action regarding scheduling and agenda items for a retreat worksession.
Ms. Gillam provided information. The Councilmembers were to provide their availability to Ms. Thompson for a Saturday worksession in March or April and to discuss again at the January 24, 2012 Council meeting.

- 10B. 2012-0984 Discuss and consider action regarding future agenda items.

Mr. Gonzales requested an item to discuss donation receptacles. Mr. Fletcher indicated that the Planning and Zoning Commission had discussed the matter at their meeting on January 9, 2012 and that an ordinance would come forward. Mr. Cooper requested to place a resolution in support of the school district's participation in the school finance reform lawsuit on the January 24, 2012 agenda.

Executive Session

Mayor Coleman announced that the City Council was retiring to executive session on items 10C, 10D, 10E, and 10F and read the items. The time was 7:28 p.m.

- 10C. 2012-0981 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: Discuss 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 on the item.**
- 10D. 2012-0982 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 on the item.**
- 10E. 2012-0989 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code for performance evaluation of the Municipal Judge. 2.) Discuss and consider action regarding performance evaluation of the Municipal Judge.
- Discussion on the item was to take place in executive session. No action was taken on the item.**
- 10F. 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 on the item.**

Executive Session Closed

Mayor Coleman reconvened in open session. The time was 9:06 p.m. No action was taken.

11. Adjourn

Mr. Cooper made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on January 24, 2012.