



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, March 22, 2011

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:05 p.m. Councilmembers Wayne Cooper, Mike Marsh, Darelle White and Victor Gonzales were in attendance. Councilmember Starlet Sattler was absent. City employees attending: Brandon Wade, City Manager; Lauri Gillam, Assistant City Manager; Trey Fletcher, Managing Director of Operations; Felix Benavides, City Engineer; Chuck Hooker, Police Chief; Sabrina Schmidt, Accounts Payable; Beth Davis, Finance Director; Terri Waggoner, Public Information Officer; Amy Good, Assistant Finance Director; Leann Resendez, Recreation Center Supervisor; Amy Atkins, Parks Director; Blake Overmyer, Building Official; Chris Laake, Streets Foreman; Wiley Webb, Wastewater Superintendent; Wayne Granger, Streets Superintendent; Daryl Wilkes, Police Sergeant; Karen Thompson, City Secretary.

#### 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. Presentation

**A. 2010-0460** Proclamation declaring April 4-8 as National Work Zone Awareness Week in the City of Pflugerville.

Mayor Pro Tem Gonzales read and presented the proclamation to Mr. Jesse Sepeda. Mr. Sepeda provided information on the importance of work zone safety and presented the Council with orange ribbons to wear during National Work Zone Awareness Week.

- B. 2010-0490 Presentation of the 2010 Achievement of Excellence in Libraries Award to the Pflugerville Community Library.

Mayor Coleman presented the award to Kathy Freheit, Library Director; Jennifer Coffey, Reference Librarian; Martha Hartley, Library Technician; Library Boardmembers Jeannette Larson, Becky Boyer, Kay Jividen, and Clay Leben; Student Liaisons: Austin Anker and Hannah Salem; and Friends of the Pflugerville Community Library: Dana Leary, Pam Stephenson, and JoAnne Thornton. Ms. Freiheit provided information on the award. Mayor Coleman provided comments and thanked them for their work.

#### 4. Public Hearing and Ordinance First Readings

- A. ORD-0050 Conduct a public hearing and consider approving an ordinance on first reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE REPEALING AND REPLACING SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS, SECTION (B) SH 130 AND SH 45 CORRIDOR DISTRICTS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item and caption of the ordinance to be considered. Mr. Fletcher provided information on the committee review process and proposed text amendments and answered questions of the Council.

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

Mr. Cooper made a motion to approve the ordinance as presented. Mr. White seconded the motion. All voted in favor. The motion carried.

#### 5. Public Comment

Carl Wasmuth, 1510 Santonlina Court, provided written results to the Council of his door-to-door flyer survey of the Bohls neighborhood asking the question if the basketball court in Heritage Park should be replaced with a skate spot. He reported that 46 responded with 8 voting "yes", 36 voting "no" and 2 were uncertain. He stated that comments were provided by some and many will be displeased if the basketball courts are lost. He stated that comments were also made on the recent Pflugerville Pflag article and he has also provided those.

Brent Hurta, 3104 Murrelet Way, stated that he understands the opposition and suggested that another option would be the construction of a skate spot in the adjacent area next to the basketball courts. He stated that a skate spot would be great to have and maybe another area could be considered if this is not desirable.

## Public Comment

Chris Hindmarsh, 2312 Linville Ridge Lane, Assistant Scout Master for Boy Scout Troop 685, introduced his son and daughter. Tyler Hindmarsh of Boy Scout Troop 685, spoke in support of the development of a skate park in Pflugerville to also be used by BMX bikes. He stated that he would like to see it in this area, but not necessarily as a replacement of the basketball courts. Natasha Hindmarsh spoke in support of the development of skate parks to also be used by BMX bikes. She stated that she would like something closer to enjoy. Mr. Wade announced that a public meeting to discuss the skate spot would be held on Thursday, April 7 at the Recreation Center and they would welcome their thoughts.

Denise McGillivray, 202 Settlers Valley Drive, introduced herself as a candidate for City Council Place 2 in the May 14, 2011, City of Pflugerville General Election.

## Reading of the Consent Agenda

Items 8B, 8C, and 8D were removed from the consent agenda. Ms. Thompson read the items under consideration.

### 6. Approval of Minutes

- A. 2010-0489 Approval of the minutes of the March 8, 2011, Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.

### 7. Resolution

- A. RES-0029 Approving the Fiscal Year 2010 Audit.
- The resolution was approved on the consent agenda.

### 8. Other Actions

- A. 2010-0501 Approval of the use of 4B funds for a challenge grant application in the amount of \$12,000 from Faith in Action Caregivers Pflugerville.
- The item was approved on the consent agenda.
- E. 2010-0331 Review of Quarterly Investment Report for the quarter ending December 31, 2010.
- 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.

### Other Actions (Removed from the Consent Agenda)

- B. 2010-0502 Approval of an economic development agreement and use of 4B funds for Bison Logistics.
- There was no discussion or action on the item.
- C. 2010-0498 Authorize the City Manager to execute a contract for sludge hauling and disposal with Sheridan Environmental, LLC in the amount of \$420 per load.
- Mr. Marsh asked if the City needs to increase the amount of composting. Mr. Wade explained that improvements to the water system were needed and they are using the funds for that instead of increasing the composting at this time. Mr. Web provided information on compost being available to citizens and used in the parks. Council reviewed the costs. Mr. Marsh moved to approve item 8C. Mr. White seconded the motion. All voted in favor. The motion carried.
- D. 2010-0497 Authorize the City Manager to execute a contract for contractual mowing of specific rights-of-way with William Earl Canady in the amount of \$48,240.
- Mr. Gonzales asked why they were following this process since it was under \$50,000. Mr. Wade indicated that it was so close that they erred on the side of caution. Mr. Marsh asked if this is a step toward the privatization of city services. Mr. Wade stated that there are things that can be done by the private sector and they are giving an opportunity to the private sector for some of the mowing. Mr. Gonzales asked if there are any residents that were vendors. Ms. Gillam indicated that there were not. Mr. Wade stated that Ms. Gillam is getting the word out regarding opportunities that might be out there for them to earn some of their tax money back. Mr. Marsh moved approval of the item. Mr. White seconded the motion. All voted in favor. The motion carried.

### 9. Discuss and consider action

- A. 2010-0486 Discuss and consider action regarding interpretation of Atmos Energy (natural gas) franchise agreement terms concerning the definition of Gross Revenues.
- Ms. Gillam provided information and discussed with Council. Mr. Gonzales and Mr. White indicated that they were not in favor of the franchise fee on the franchise fee. Mr. Cooper made a motion to not opt to not take the additional franchise fee on the franchise fee. Mr. Marsh seconded the motion. It was clarified that the City would be staying with the status quo and how it is currently calculated. All voted in favor. The motion carried.

- B. 2010-0491 Discuss and consider action regarding a September 11, 2011 memorial service to be held at the Fallen Warrior Memorial in Pflugger Park.

Mr. Marsh stated there is interest in holding a Sept 11, 2011 memorial service to remember those lost on that day. He explained that the Pflugerville Downtown Association wanted to come before Council and see what interest there is. Ms. Jean Garlick of the Pflugerville Downtown Association spoke regarding the proposed event. She stated that they would like the City to condone the event, for one of the Councilmembers to be on a chairing committee, and to receive security from the Police Department. Council discussion followed. Mr. Gonzales stated that he likes the idea of a high school stadium for the location. Ms. Garlick indicated agreement and stated she would love to involve the schools, boyscouts, ROTC, etc. Mr. Marsh provided additional information. He stated that if Council supports it, he would like to emphasize and honor the police and fire departments. Mr. Marsh asked Council to direct the City Manager to assign a city staff person to this. He stated that he sees a role that the Mayor could play in this. He stated that he thinks this could give us an opportunity to express patriotism and support for our current heroes and those lost. Mr. Gonzales suggested involving emergency services, the Texas Rangers, County Constables and those that serve elsewhere. Mayor Coleman stated that he would gladly be the Council representative. Mr. Marsh moved to direct the City Manager and suggested Ms. Gillam as the staff person. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- C. 2010-0476 Discuss and consider adopting official list of City-sponsored events.

Mayor Coleman explained this was an item that was discussed during the worksession. Mr. Cooper made a motion to approve the list of scheduled events as currently asked to be altered by staff (to further color coat to designate major events and minor events). Mr. White seconded the motion. All voted in favor. The motion carried.

- D. 2010-0492 Discuss and consider action regarding future agenda items.

Mr. Cooper requested that the agenda item numbers be written in the upper right hand of the cover pages. There were no requests for future agenda items.

### **Executive Session**

Mayor Coleman announced that the City Council was retiring to executive session on Items 9E and 9F and read the items. The time was 8:07 p.m.

- E.      2010-0448      1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas. 2.) Open Session Item: Discuss and consider action regarding economic development agreements for the Stone Hill Town Center in Pflugerville, Texas.

**Discussion on the item was to take place in executive session.**

- F.      2010-0414      1.) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments. 2.) Open Session Item: Discuss and consider action concerning development agreements between Terrell Timmermann and the City of Pflugerville for the Greenview and Pfluger Crossing developments.

**Discussion on the item was to take place in executive session.**

**Executive Session Closed**

**Mayor Coleman reconvened in open session at 8:40 p.m. No action was taken.**

**10. Adjourn**

**Mr. Cooper made a motion to adjourn. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:40 p.m.**

**Respectfully submitted,**

**Karen Thompson  
City Secretary**

**Approved as \_\_\_\_\_ on April 12, 2011.**