



City of Pflugerville

Minutes - Final City Council

Tuesday, July 10, 2012

7:00 PM

100 East Main Street, Suite 500

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 and Darelle White were in attendance. Councilmembers Starlet Sattler and Victor Gonzales were absent. City employees in attendance: 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; Jim Bowlin, Parks and Recreation Director; Blake Overmyer, Building Official; Chuck Hooker, Police Chief; Dan Franz, City Engineer; Laura Wilkes, Police Lieutenant.

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

3A. 2012-1299 Proclamation declaring July 10, 2012 as Micah Lawrence Olympian Day in the City of Pflugerville.

Ms. Waggoner provided information. Mayor Coleman provided comments. He read the proclamation and presented it to the lifeguards and swimmers in attendance.

4. Public Comment

Ryan Beard of Texas Disposal Systems asked that the City Council not automatically renew with IESI (Progressive Waste Solutions) for a two-year extension on their contract but to instead allow Texas Disposal Systems to place a bid for the city's solid waste and recycling services. He stated that a

major landfill would be closing in two years that would affect the city's current provider but would not affect his company as they own their own landfill and could give a guarantee to the city not to raise rates when the landfill closes.

Clark Meier, 1207 Mountain View Drive, stated that the Leander Methodist Church once convinced planners to avoid their vicinity and to instead locate a railroad one mile east of their church and the church dwindled and later moved to be near the railroad. He stated that we may be doing similar. He asked the City Council to find something positive to advocate for Project Connect. He stated that the beginning stages are our best chance to influence the process. He asked that they tip it from negative to positive so Pflugerville can get a more positive outcome.

Reading of the Consent Agenda

Item 6B was removed from the consent agenda. Ms. Thompson indicated that a correction to the minutes had been provided on the dais and that the reading of the consent agenda would include the minutes as amended. Ms. Thompson read the items along with the caption of the ordinance under consideration.

5. Approval of Minutes

- 5A. 2012-1288 Approval of the minutes of the June 26, 2012 Worksession and Regular Meeting.

The minutes were approved on the consent agenda as amended.

6. Resolutions

- 6A. RES-0091 Approving a resolution supporting the candidacy of Mayor Pro Tem Victor Gonzales in the Texas Municipal League election for President-Elect.

The resolution was approved on the consent agenda.

- 6C. RES-0093 Approving a resolution to authorize the City of Pflugerville City Manager to execute an Interlocal Agreement with Travis County as a Participating Entity of the Capital Area Pavement Engineering Council (CAPEC) including city participation in an engineering consultant study to develop new pavement design specifications appropriate to conditions typical of the Blackland Prairie soils.

The resolution was approved on the consent agenda.

7. Ordinances Second Reading

- 7A. ORD-0110 Approving an ordinance on second reading with 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 CHANGING THE ZONING DESIGNATION OF LOT 1, BLOCK 1 OF THE E.W.

PFLUGER ADDITION, CONSISTING OF 0.29 ACRES AND LOCALLY ADDRESSED AS 102 S. THIRD ST., FROM RETAIL (R) TO OFFICE 1 (O1) DISTRICT; TO BE KNOWN AS THE 102 S. THIRD ST. REZONING (REZ1205-01), AND PROVIDING AN EFFECTIVE DATE.

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

8. Other Actions

- 8A. 2012-1283** Authorize the City Manager to execute an agreement with Kasberg, Patrick & Associates, LP for Professional Engineering Services to provide design, bidding, and construction administration associated with the Kelly Lane 24-inch Waterline that extends approximately 5,500 linear feet from the existing 18-in waterline crossing of Kelly Lane near Benning Drive to Moorlynch Avenue in an amount not to exceed \$61,500.00 as total compensation.
- The item was approved on the consent agenda.
- 8B. 2012-1289** Receive report on City Council, Commission, Board and Committee expenditures for June 2012.
- The item was approved on the consent agenda.
- 8C. 2012-1300** Approving a reimbursement request in the amount of \$474.76 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses and providing approval for Mayor Pro Tem Victor Gonzales' attendance of the Texas Municipal League Board Meeting in Conroe, Texas from June 21, 2012 to June 23, 2012 and related hotel expenses in the amount of \$415.84.
- The item was approved on the consent agenda.

Action on the Consent Agenda

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

Resolution

- 6B. RES-0092** Approving a Resolution amending the City of Pflugerville Engineering Design Guidelines to update Section 7 - Pollution Control to be in compliance with the City of Pflugerville Code of Ordinances Title XV Land Usage Chapter 158 Storm Water Pollution Control Ordinance and the City of Pflugerville's Municipal Separate Storm Sewer System (MS4) Phase II Permit.
- Mr. Marshall indicated potential concerns and requested more time to review the guidelines with staff. Mr. White made a motion to table the item. Mr. Cooper

seconded motion. All voted in favor. The motion carried.

9. Discuss and consider action

9A. 2012-1285 Discuss and consider action regarding future agenda items.

No future agenda items were noted.

9B. 2012-1272 1.)Executive Session Item: Deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding a proposed First Addendum to the Economic Development Agreement by and between the City of Pflugerville and Terrell Timmermann. 2.) Open Session Item: Discuss and consider action regarding a proposed First Addendum to the Economic Development Agreement by and between the City of Pflugerville and Terrell Timmermann.

There was no discussion or action on the item.

9C. 2012-1282 1.)Executive Session Item: Deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding approving and restating the Economic Development Agreement for Arista Data Centers, LLC with the City of Pflugerville. 2.) Open Session Item: Discuss and consider action regarding approving and restating the Economic Development Agreement for Arista Data Centers, LLC with the City of Pflugerville.

There was no discussion or action on the item.

10. Discuss only

10A. 2012-1290 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.

There was no discussion or action on the item.

10B. 2012-1291 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.

There was no discussion or action on the item.

10C. 2012-1294 1.) Executive Session Item: Deliberation regarding real property involving the negotiated terms for a lease and/or sale of property located at 102 South Third Street currently owned by the City pursuant to Section 551.072 of the Texas Government Code and consultation

with the City Attorney pursuant to Section 551.071 of the Texas Government Code.

Discussion on the item took place at the earlier worksession. There was no discussion or action on the item.

- 10D. 2012-1297** 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.

Discussion on the item took place at the earlier worksession. There was no discussion or action on the item.

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 7:22 p.m.

Respectfully submitted,

**Karen Thompson
City Secretary**

Approved as _____ on July 24, 2012.