



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, November 27, 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, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Tom Word, Assistant City Manager; Terri Waggoner, Public Information Officer; Dan Franz, City Engineer; Karen Thompson, City Secretary; Emily Barron, Planning Director; Lisa Charbonnet, Library Director; Blake Overmyer, Building Official; Chuck Hooker, Police Chief; Amy Good, Assistant Finance Director; Beth Davis, Finance Director; Jim Bowlin, Parks 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 Jeff 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. Presentations

- 3A.** [2012-1400](#) Announcing Pflugerville as the winner of the Healthy at H-E-B Community Challenge.

Ms. Waggoner presented on the Healthy at H-E-B Community Challenge and announced Pflugerville as the winner in the category for cities with populations up to 100,000. Active Life CEO Baker Harrell and Marissa Rathbone presented the trophy to the City Council, Parks and Recreation Director Jim Bowlin and Docia Craft of the Pflugerville ISD.

- 3B.** [2012-1330](#) Pflugerville Community Library construction update.

Mr. Fletcher provided an update on the item.

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

- 4A. [ORD-0123](#) Conduct a public hearing and approve an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 874-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR LOT 3 OF THE RENEWABLE ENERGY PARK SUBDIVISION, AND APPROXIMATELY 4.797 ACRES IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS, KNOWN AS THE EIEIO SPECIAL DISTRICT (SD1210-01) AND PROVIDING AN EFFECTIVE DATE.

Mayor Coleman opened the public hearing and read the item to include the caption of the ordinance to be considered on first reading. Mr. Fletcher provided information and answered questions of the City Council. Mr. Fletcher indicated that Option 2 on the building is preferred by the owner of EIEIO. Mr. Andrews, EIEIO owner, explained that the tilt wall is a concern for them from an engineering standpoint. He stated that he wants to build it right and it is important for him to have this flexibility. He stated that in addition to economic reasons, it is for the longevity of the project. He stated that it would not look different; that it would have a masonry, concrete look. Mr. Fletcher requested that the Council consider Option 1 or Option 2 within the motion to approve the ordinance. Mr. Wade stated that staff is perfectly happy with Option 2.

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

Mr. Cooper made a motion to approve the ordinance on first reading on item 4A, allowing the applicant to construct the building with Option 2. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

#### 5. Public Comment

Brent Hurta, 3104 Murrelet Way, announced the Travis County Northeast Metropolitan Park skate park opening on Saturday, December 1 at 10am. He reported on the status of the City's skate spot project, that Mr. Bowlin is awaiting conceptional designs for the spots that have been chosen and then they will be able to make a better decision on how they move forward. He stated that after that they will have a design and will receive public comment.

Elizabeth Lister, 1720 Jerusalem Drive, stated concerns with the Police Department. She complained of a neighbor selling drugs and that when she calls the police, they never send anyone. She stated that she was assaulted by a woman in the street and the Police Department said they would send an investigator and four weeks later, they never came. She stated that her concerns were not so bad when it was Travis County. She stated that she called the Police Chief and he never called her back.

#### 6. Discuss and consider action

- 6A.**     [2012-1525](#)     Conduct introductions and take action to appoint up to two citizen members and one City Councilmember to the Finance and Budget Committee.
- The City Council conducted introductions with Jason Heath, Aaron Dvorak, and Rudolph Karl Metayer. The City Councilmembers provided written nominations to Mayor Coleman. Mr. Cooper nominated Jason Heath and Rudolph Karl Metayer. Mr. Marshall nominated Jason Heath and Rudolph Karl Metayer. Mr. Peña nominated Jason Heath and Rudolph Karl Metayer. Ms. Sattler nominated Jason Heath and Aaron Dvorak. Mr. Gonzales nominated Jason Heath and Rudolph Karl Metayer. Mayor Coleman asked for a motion on the action to appoint. Mr. Gonzales made a motion to appoint Jason Heath and Rudolph Karl Metayer to the Finance and Budget Committee. Mr. Marshall seconded the motion. All voted in favor. The motion carried.
- Mr. Cooper made a motion to appoint Councilmember Marshall to the Finance and Budget Committee. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 6B.**     [2012-1522](#)     Conduct introductions and take action to appoint up to four regular members and one alternate member to the Library Board.
- The City Council conducted introductions with Jeanette Larson, Clay Leben, Rosie Riddick, David Prout and Carl Wasmuth. Applicants Becky Boyer, L. Kaye Jividen and Samantha Akins were not in attendance. The City Councilmembers provided written nominations to Mayor Coleman. Mr. Cooper nominated Jeannette Larson, Clay Leben, Becky Boyer, L. Kaye Jividen (as alternate) and Rosie Riddick. Mr. Marshall nominated Jeannette Larson, Clay Leben, Becky Boyer (as alternate), Samantha Akins and Rosie Riddick. Mr. Peña nominated Jeannette Larson, Clay Leben, Samantha Akins (as alternate), Rosie Riddick and David Prout. Ms. Sattler nominated Jeannette Larson, Clay Leben, Becky Boyer, Samantha Akins (as alternate) and Rosie Riddick. Mr. Gonzales nominated Jeannette Larson, Clay Leben, Samantha Akins (as alternate), Rosie Riddick, and Carl Wasmuth. Mayor Coleman reviewed the nominations. He asked for a nomination clarifying alternate and regular member for Samantha Akins and Becky Boyer. Mr. Cooper nominated Becky Boyer as regular member and Samantha Akins as alternate. Mr. Marshall nominated Samantha Akins as regular member and Becky Boyer as alternate. Mr. Peña nominated Becky Boyer as regular member and Samantha Akins as alternate. Ms. Sattler nominated Becky Boyer as regular member and Samantha Akins as alternate. Mr. Gonzales nominated Samantha Akins as regular member and Becky Boyer as alternate. Mayor Coleman asked for a motion on the action to appoint. Mr. Cooper made a motion to appoint Jeanette Larson, Clay Leben, Becky Boyer, and Rosie Riddick as regular members and Samantha Akins as alternate member of the Library Board. Ms. Sattler seconded the motion. All voted in favor. The motion carried.
- 6C.**     [2012-1523](#)     Conduct introductions and take action to appoint up to three regular members and one alternate member to the Parks and Recreation Commission.
- Mr. Cooper made a motion to appoint the applicants Glenn Beck, Christie Crouch and Edward Marburger as regular members and to leave the alternate position open. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

- 6D.**     [2012-1501](#)     Conduct introductions and take action to appoint up to three regular members to the Planning and Zoning Commission.
- Mr. Gonzales made a motion to appoint the applicants Lisa Ely, Daniel Flores and Kevin Kluge to the Planning and Zoning Commission. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**
- 6E.**     [2012-1524](#)     Conduct introductions and take action to appoint up to two regular members and four alternate members to the Board of Adjustment.
- Mayor Coleman asked the unappointed applicants in attendance if they would be interested in appointment to the Board of Adjustment. David Prout and Aaron Dvorak volunteered to serve on the Board of Adjustment. Mr. Cooper made a motion to appoint David Prout and Aaron Dvorak to the Board of Adjustment. Mr. Peña seconded the motion. All voted in favor. The motion carried.**
- 6F.**     [2012-1499](#)     Conduct introductions and consider taking action regarding appointments to Place 2, Place 4, Place 6, and Place 7 of the Pflugerville Community Development Corporation (PCDC) Board of Directors.
- Ms. Sattler and Mr. Peña indicated interest in continuing to serve on the PCDC Board. Mr. Gonzales stated that he spoke with Mr. White and he is also interested in continuing to serve as a citizen representative on the PCDC Board. Mr. Gonzales made a motion to reappoint Councilmember Sattler, Randy Duncan and Darelle White (now as a citizen representative) with Mr Peña serving as the second Council representative. Mr. Cooper seconded the motion. All voted in favor. The motion carried.**

### **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.

### **7. Approval of Minutes**

- 7A.**     [2012-1526](#)     Approval of the minutes of the November 13, 2012 Worksession and Regular Meeting.
- The minutes were approved on the consent agenda.**

### **9. Ordinances Second Reading**

- 9A.**     [ORD-0119](#)     Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, TWO SEPARATE TRACTS OF LAND CONSISTING OF APPROXIMATELY 8.9 ACRES OF LAND OUT OF THE GENE M. MARTIN SURVEY NO. 9, ABSTRACT 529 IN TRAVIS COUNTY, TEXAS TO BE KNOWN AS THE 2012 VOHL/CITY OF PFLUGERVILLE LAND ANNEXATION (ANX1208-02);

EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

- 9B.**     [ORD-0120](#)     Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING FOR FULL PURPOSES APPROXIMATELY 20.2 ACRES OF LAND OUT OF THE S. EISELIN SURVEY NO. 4, ABSTRACT 265 AND T.S. BARNES SURVEY NO. 46, ABSTRACT 67 IN TRAVIS COUNTY, TEXAS, CONSISTING OF THE E. PECAN ST. RIGHT-OF-WAY, TO BE KNOWN AS THE EAST PECAN STREET ANNEXATION (ANX1208-01); EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

- 9C.**     [ORD-0124](#)     Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE TERMS OF THE DIRECTORS AND CHAIRMAN OF THE REINVESTMENT ZONE NO. ONE, CITY OF PFLUGERVILLE, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- 9D.**     [ORD-0125](#)     Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 95; SECTIONS 95.41, 95.42 AND 95.43 BY DESIGNATING MEMBERS OF THE PARKS AND RECREATION COMMISSION AS THE MEMBERSHIP OF THE TREE CARE ADVISORY BOARD AND DESIGNATION OF THE PARKS AND RECREATION DIRECTOR AS THE CITY STAFF PERSON OVERSEEING THE CARE OF PUBLIC TREES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

## **10.     Other Actions**

- 10A.**     [2012-1521](#)     Cancelling the City Council Worksession and Regular Meeting on

December 25, 2012.

The item was approved on the consent agenda.

- 10B.**     [2012-1538](#)     Authorize the City Manager to execute an agreement with Cornerstone at Kelly Lane LLC for the design and development of a bid alternate for the Colorado Sand CIP project in an amount not to exceed \$10,619.

The item was approved on the consent agenda.

- 10C.**     [2012-1539](#)     Approving a reimbursement request in the amount of \$428.37 by Mayor Pro Tem Victor Gonzales for business meeting mileage and expenses.

The item was approved on the consent agenda.

### **Action on the Consent Agenda**

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

### **8. Ordinance First Reading**

- 8A.**     [ORD-0128](#)     Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 110, (ENTITLED "FOOD ESTABLISHMENTS") OF THE CITY OF PFLUGERVILLE'S CODE OF MUNICIPAL ORDINANCES BY DESIGNATING THE CITY OF PFLUGERVILLE TO BE THE REGULATORY AGENCY ADMINISTERING THE CHAPTER; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Fletcher and Ms. Gillam provided information and there was Council discussion on the item Mr. Marshall made a motion to approve the ordinance on first reading. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

### **11. Discuss and consider action**

- 11A.**     [2012-1507](#)     Discuss and consider action to approve a change order with Ford AV in the amount of \$55,783.75 to provide audio visual improvements for the Pflugerville Community Library Expansion and Renovation Project and authorizing the City Manager to execute the same.

Mr. Fletcher and Ms. Charbonnet provided information and there was Council discussion on the item. Mr. Peña made a motion to approve the change order. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 11B.**     [2012-1500](#)     Discuss and consider action to elect a Mayor Pro Tem per City Charter Section 3.06.

Mr. Cooper and Mr. Gonzales indicated interest in serving as Mayor Pro Tem and each provided comments. Mayor Coleman called for a vote. Mr. Cooper voted for himself. Mr. Gonzales voted for himself. Ms. Sattler voted for Mr. Gonzales. Mr. Peña voted for Mr. Gonzales. Mr. Marshall voted for Mr. Gonzales. Mr. Gonzales was selected as the Mayor Pro Tem.

- 11C.**     [2012-1498](#)     Discuss and consider action regarding City Council representation on City Council Committees and City Council liaisons with other organizations.

The City Council reviewed the representation and the following assignments were confirmed:

**CAMPO Transportation Policy Board: Victor Gonzales**

**CAPCOG: Victor Gonzales, Jeff Coleman**

**CAPCOG Executive Committee: Jeff Coleman**

**ESD #2: Brad Marshall, Starlet Sattler**

**Envision Central Texas Board of Directors: Jeff Coleman**

**Finance and Budget Committee: Brad Marshall**

**LCRA: Wayne Cooper, Victor Gonzales**

**Parkland Dedication Review Committee: Wayne Cooper, Omar Peña**

**Pflugerville Community Development Corporation (PCDC): Starlet Sattler, Omar Peña**

**Travis County: Omar Peña , Victor Gonzales**

**Transportation: Omar Peña, Victor Gonzales**

**Manville Water Supply: Wayne Cooper**

- 11D.**     [2012-1528](#)     Discuss and consider action regarding possible City of Pflugerville participation on the Community Action Network Board of Directors.

Mayor Coleman provided information. Mr. Cooper volunteered to serve on the Community Action Network (CAN) Board of Directors. Mr. Peña made a motion for the City to participate on the Community Action Network Board of Directors and to appoint Councilmember Cooper as the representative. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

- 11E.**     [2012-1527](#)     Discuss and consider action regarding future agenda items.

Mr. Cooper indicated that staff could remove the driving simulator item. He indicated that he would still like the traffic education item. Mayor Coleman requested a Mud policy item in the earlier worksession.

**12. Discuss only**

- 12A.** [2012-1529](#) Discuss report on the Circuit of Americas Formula 1 United States Grand Prix held November 16-18, 2012 in Austin, Texas.

The item was postponed to the December 11, 2012 meeting.

**13. Discuss and consider action (with Executive Session)**

- 13A.** [2012-1541](#) 1.)Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code for legal advice regarding a request for approval of Assignment and Consent of the City of Pflugerville, Texas to the Assumption of the New Sweden Development Agreement. 2.)Open Session Item: Discuss and consider action regarding Assignment and Consent of the City of Pflugerville, Texas to the Assumption of the New Sweden Development Agreement.

Mayor Coleman announced that the City Council was retiring to executive session on item 13A. He read the item and retired to executive session at 9:01 p.m. Mayor Coleman reconvened in open session at 9:15 p.m. Mr. Gonzales made a motion to approve the assignment and consent to the assumption of the New Sweden Development Agreement. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**14. Discuss only (Executive Session)**

Mayor Coleman announced that the City Council was retiring to executive session on items 14A and 14B. Ms. Thompson read the items to be discussed. Mayor Coleman retired to executive session. The time was 9:16 p.m.

- 14A.** [2012-1535](#) 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.

- 14B.** [2012-1536](#) 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.

**Executive Session Closed**

Mayor Coleman reconvened in open session at 10:54 p.m.

**15. Adjourn**

Mr. Marshall made a motion to adjourn. Mr. Peña seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 10:54 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on December 11, 2012.