



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, April 26, 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; Floyd Akers, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Managing Director of Operations; Amy Atkins, Parks and Recreation Director; LeAnn Resendez, Recreation Center Supervisor; Blake Overmyer, Building Official; Terri Waggoner, Public Information Officer; James Wills, Public Works Director; Kathy Freiheit, Library Director; Jennifer Coffey, Reference Librarian; Darrell Winslett, Water Superintendent.

#### 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. [2011-0544](#) Appreciation presentation for Ms. Michelle Cervantes for service to the Library Board.

Mayor Coleman presented a certificate and small gift to Ms. Cervantes in appreciation of her service to the Library Board. He congratulated her on her promotion to Library Director for the City of Round Rock.

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

- 4A. [ORD-0054](#) Conduct a public hearing and consider approving 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 SPECIFIC USE PERMIT FOR ATHLETIC FIELD LIGHTING ON PROPERTY WITH A LEGAL DESCRIPTION OF 10.52 ACRES OF THE JOHN VAN WINKLE SURVEY NO. 14, ABSTRACT 786 AND THE E. BEBEE SURVEY NO. 5, ABSTRACT 53, LOCATED BETWEEN BLACK LOCUST DR. AND PFLUGERVILLE PKWY LOCALLY KNOWN AS THE HILL COUNTRY BIBLE CHURCH AT 303 E. PFLUGERVILLE PKWY; TO BE KNOWN AS THE HCBC-ATHLETIC FIELD LIGHTING SPECIFIC USE PERMIT (SUP1102-01).

Mayor Coleman read the item along with the caption of the ordinance under consideration. Mr. Fletcher provided information. Dale Legband, applicant, provided information. He stated that they invited the nearby homeowners associations to a meeting and tried to be proactive with the neighbors. He stated that the lights are designed to reduce light spill.

Ashish Patel, 1319 Haley Gray Drive, spoke in opposition due to concern for light issues. He stated that he talked to the neighbors and they said they did not receive letters from the applicant. Mayor Coleman noted that the hours of use would be from 5:30 p.m. to 9:30 p.m. Mr. Patel stated that would be past bedtime for many of the residents. Mr. Fletcher showed the location of Mr. Patel's residence on the map. Mr. Fletcher provided information on the light levels allowed. Mr. Cooper asked if the light levels would be audited. Mr. Fletcher explained that the lights are shielded and movable and they will make sure they are aimed appropriately. Mr. Cooper stated that they would make sure the company complies with the ordinance. Discussion continued. Mr. White asked regarding the noise. It was discussed that the fields would be used by the league for practice purposes and the only games may be ones conducted by the church that owns the property. There were no additional requests to speak at the public hearing. Mr. Cooper 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 as submitted by staff. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.

## 5. Public Comment

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

Dana Leary, President of the Friends of the Pflugerville Community Library, provided information on their organization and announced that their next book sale would take place May 5-7, with a special presale day for members on May 4. She explained that proceeds would support the Library expansion project. She stated that the information is on the website and will be in the "Key to the City" publication.

## Reading of the Consent Agenda

Items 7A and 9B were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

## 6. Approval of Minutes

- 6A. [2011-0542](#) Approval of the minutes of the April 5, 2011, Quorum, and April 12, 2011, Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

## 8. Ordinances Second Reading

- 8A. [ORD-0051](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 53 OF THE CITY CODE; REGARDING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING RATES FOR SURCHARGES; PROVIDING A PENALTY NOT TO EXCEED \$2,000 PER OFFENSE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

- 8B. [ORD-0055](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 32 OF THE CITY CODE; REGARDING EMERGENCY MANAGEMENT; TO REPEAL THE DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

**9. Other Actions**

- 9A. [2011-0550](#) Approving a reimbursement request for Mayor Jeff Coleman in the amount of \$1010.90 for business mileage and parking expenses incurred January 2010 to April 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. White seconded the motion. All voted in favor. The motion carried.

**7. Ordinances First Reading (Removed from the Consent Agenda)**

- 7A. [ORD-0057](#) Approving an ordinance on first reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING TO THE CITY OF AUSTIN A FRANCHISE TO CONSTRUCT, MAINTAIN, OPERATE, AND USE A TRANSMISSION AND DISTRIBUTION SYSTEM IN THE CITY OF PFLUGERVILLE TO PROVIDE ELECTRIC UTILITY SERVICE.

Mr. Cooper asked regarding the rebating of the franchise fee. Ms. Gillam explained that most franchise fees are passed on to the customer. She stated that Austin Energy is absorbing the 3% franchise fee at this time and is not passing the cost on to the customers. She answered questions of the Council. Mr. Cooper made a motion to approve the ordinance. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

**9. Other Actions (Removed from the Consent Agenda)**

- 9B. [2011-0554](#) Approving the use of 4B funds for an economic development agreement with Spirit of Texas.

Mr. Akers provided information on the agreement which would provide \$30,000 to Spirit of Texas for their marketing to include the use of "Pflugerville" in Central Texas. Spirit of Texas owners Brad Haden and Shaun Siems provided some history on the start up of their business and the Pecan Street Rum that went on the market six months ago. They stated that their next rum would be the Spirit of Texas rum and with the expansion of the business, they could be employing six employees in the next year. There was Council discussion with the owners. Mr. Akers stated that David Clay of the Pflugerville Community Development Corporation (PCDC) Board was in attendance and that the PCDC Board had voted unanimously to approve the agreement. Mr. White stated that he does not drink, but spoke with Mr. Akers and was very satisfied with his responses and that we are looking at this for the right reasons and talking about a business that is located in the appropriate place and is a legal enterprise. Mr. White made a motion to approve the item. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

**10. Discuss only**

- 10A. [2011-0551](#) Discuss re-launch of Adopt-A-Trail Program.

Ms. Atkins provided an overview of the relaunch to begin on May 2 and answered questions of the Council. Mr. White stated that he thinks that it is well done. There was continued discussion of the Council and Ms. Atkins. Council recommended using the "oval PF" as the logo for the program.

**11. Discuss and consider action**

- 11A. [2011-0559](#) Authorize the City Manager to execute a job order contract with Jamail and Smith in the amount of \$1,043,990.70 through the The Cooperative Purchasing Network (TCPN) for the installation of solar panels for the Water Treatment Plant.

Ms. Gillam provided information on job order contracting. Mr. Wade explained that it saves time and is good for some targeted projects such as this. He stated that it also gives flexibility with regard to change orders as they have already set the unit prices and coefficients. He stated that Mr. Akers and RRE have assisted the City in receiving this grant. Ms. Gillam reported that it appears the the City would also be receiving the required 20% match from Oncor. She stated the City would also be receiving savings on its electric bill with this 141 kilowatt system and it would include a web application that would allow residents to see how much electric is being generated in real time. Mr. Cooper made a motion to approve item 11A. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

- 11B. [2011-0552](#) Discuss and consider action regarding future agenda items.

Mr. Cooper requested a future item to address apartment zoning and the number of bedrooms allowed per unit.

- 11C. [2011-0526](#) 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.

There was no discussion or action on the item.

**12. Adjourn**

Mr. Cooper made a motion to adjourn. Mr. Marsh seconded the motion. All voted in favor. The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on May 10, 2011.