



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, November 1, 2011

7:00 PM

First Baptist Church, 801 West Pecan Street

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### Special Meeting

#### 1. Call to order

Mayor Jeff Coleman called the meeting to order at 7:08 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White, Starlet Sattler were in attendance. Mayor Pro Tem Victor Gonzales was absent. City employees attending: Brandon Wade, City Manager; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Karen Thompson, City Secretary; Beth Davis, Finance Director; James Wills, Public Works Director; Darrell Winslett, Water Superintendent; Wiley Web, Wastewater Superintendent; Chuck Hooker, Police Chief. George Freitag and Lambeth Townsend were in attendance representing Monarch Utilities I, L.P. but did not speak at the meeting. No representatives of the Texas Commission on Environmental Quality were in attendance.

#### Mayor Comments

Mayor Coleman provided opening comments and opened both items for consideration. He read the items along with the caption of the ordinance to be considered.

#### 2. Public Hearing and Ordinance Second Reading

- 2A.     **ORD-0079**     Conduct a public hearing and consider approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, REVIEWING THE RATE INCREASE REQUEST OF MONARCH UTILITIES I, L.P.; ADOPTING A FINAL DETERMINATION DENYING THE REQUESTED INCREASE IN RATES; FINDING THAT THE APPLICATION TO INCREASE RATES IS IN VIOLATION OF LAW AND UNREASONABLE; ORDERING THAT NO INCREASE IN RATES OCCUR; REQUIRING THE REIMBURSEMENT OF RATE CASE EXPENSES; ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS OPEN MEETINGS ACT; ESTABLISHING THAT THIS ORDINANCE SHALL GOVERN OVER PREVIOUSLY ADOPTED RESOLUTIONS; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.

**Mr. Wade provided information and stated that he has not received any information to dispute the conclusions that he made at the last meeting. He stated that a resolution has been prepared opposing the sale, merger, transfer and he read the resolution. He recommended that the City Council approve the ordinance denying the rate increase as well as the resolution. He encouraged the public to attend the November 8, 2011 TCEQ hearing and to provide input to the administrative law judges. Mr. Wade asked the representatives of Monarch in attendance if they wished to make a presentation. They declined to speak.**

Claire Wiley, Office of Representative Mark Strama, read a letter from Mr. Strama in opposition to the rate increase and STM application.

The following spoke at the public hearing in opposition to the request for increase in rates and application for Sale, Transfer, and Merger (STM) by Monarch Utilities I, L.P. :

Clark Thompson, 1123 Blackthorn Dr., stated to represent several homeowners associations.

Johnathan Mays, 1508 Arusha St.

Daniel Smothers, 1515 Freestone Dr.

Chelsea R. McMurtrie, 17204 Village Glen Cv.

Russell Toth, 16826 Cranston Dr.

Brenda Kouri, 17221 Sandwick Dr.

Amber Lammons, 17107 Simsbrook Dr.

Thomas Magness, 17320 Manish Dr.

Mark Londoff, 17716 Loch Linnhe Loop

Patricia Brickertt, 1001 Nimbus Dr. #82

Marco Lone, 16219 Edgemere Dr.

Boyd A. Lawrence, 16303 Bates Cove

Cindy Nelson, 16414 Framingham Cir.

Tina Erskine, 1109 York Castle Dr.

J. Linnen, 16911 Copperhead Dr.

Rusty Ward, 801 Whitehall Dr.

Keith E. Keily, 1404 Haley Gray Dr.

Roy Johnson, 16207 Windermere

Peggy Andrus, 1605 Wild Orchard Dr.

Mark Mathis, 1806 Tolstoy Circle

James Bradley Henderson, 1907 W. Pflugerville Pkwy.

Betzi Ruiz, 17513 Rannoch Dr., turned in a form requesting to speak, but did not appear when her name was called. The form indicated that she was opposed to the request for increase in rates.

Roberto Ramirez, 12608 Limpia Creek Rd., turned in a form requesting to speak, but did not appear when his name was called.

Francia Baez, 1418 Suzi Ln., turned in a form requesting to speak, but declined to speak when her name was called. She stated she was opposed to the request for increase in rates.

The following people indicated that they did not wish to speak and asked that the Mayor announce for the record their opposition for increase in rates by Monarch Utilities I, L.P. Mayor Coleman and Councilmember Sattler read the names.

Andrew Alff, 17132 Bishopsgate Dr.

Anne, Alff, 17132 Bishopsgate Dr.

Michelle Alvarez, 1811 Barilla Mountain Trail

Robert A. Amparan, 1012 Disraeli Cir.

Donald Ates, 17107 Copperhead Dr.

Jodi Austen, 1409 Amber Day Dr.

Russell Babbitt, 1704 Cranson Cove

James Baker, 17301 Ibex Trail

Mary Barrs, 1025 Lanark Loop

Cary and Karen Barton, 17319 Manish Dr.

Jason Barton, 17006 Jigsaw Pathway

Janice Bates, 1200 Ivybridge Dr.

Darrell Birdwell, 16203 Malden Dr.  
Jamie Boado, 1306 Katie Lynch Dr.  
Brad Bressler, 17512 Wiseman Dr.  
Bonnie H. Brown  
Carl Brown, 1417 Amber Day Dr.  
Robin Dee Brown, 1417 Amber Day Dr.  
Anne Butler, 17425 Bishopsgate Dr.  
Christine Campos, 701 Black Locust  
Miguel A. Campos, 701 Black Locust  
Bobbie Canada, 1208 Gazania Dr.  
Teresa Carlson, 17204 Cranson Dr.  
E. Marie Castillo, 17214 Guana Cay Dr.  
Janice Christophe, 19200 Boulder Crest  
John Christophe, 19200 Boulder Crest  
Michele Collins, 17406 Zola Lane  
Randy Connell, 804 Norwell Ln.  
Allen Connally, 1601 Jerusalem Dr.  
Donine Connally, 1601 Jerusalem Dr.  
Mary Crandall, 17638 Loch Linnhe Loop  
Elias Cruz, 1313 Laurel Leaf Dr.  
Maria Cruz, 1313 Laurel Leaf Dr.  
Michael Curtis, 1515 Balmorhea Ln.  
Georgina Davis, 1102 York Castle  
Jennifer K. Dean, 17101 Tortoise Street  
Russell Dean, 17101 Tortoise Street  
Anthony Degollado, 1200 Gazania Dr.  
Brandon Denton, 17612 Strontian Pass  
Rory Derrick, 812 Bushmills Ct.  
Urcha Dunbar-Crespo, 1230 Disraeli Circle  
Tamara Edwards, 16420 Parkway Dr.  
Laura Egmon, 17504 Rannoch Dr.  
Atlan J. Eschberger, 910 Ramble Creek Dr.  
Baher Eskaf, 1713 Candelaria Mesa Dr.  
John Esquivel, 17103 Dashwood Ck. Dr.  
Trevor Evenson, 1411 Suzi Ln.  
Carol Fariss, 1214 York Castle Dr.  
Sandie Faske, 16923 Cactus Blossom Dr.  
Michael Fedrid, 1220 Gazania Dr.  
Merry R. Fisher, 1724 Jerusalem Dr.  
Linda Flores, 905 Isle of Man Ct.  
Nezda Foster, 1523 Black Locust Dr.  
Sarah Foster, 16408 Viki Lynn Pl.  
Wayne Fulton, 904 Norwell Ln.  
Carol K. Gangey, 1030 Disraeli Circle  
Steven Gangey, 1030 Disraeli Circle  
Elias Garcia, 16913 Cactus Blossom  
Maria E. Garcia, 16913 Cactus Blossom Dr.  
Mary Garcia, 1104 Disraeli Cir.  
Steve Garcia, 1104 Disraeli Cir.  
Derek George, 1200 Thackeray Ln.  
Tammy Goldstein, 16409 Malden  
Elizabeth Gomez, 900 Ramble Creek Drive  
John Gomez, 900 Ramble Creek Drive  
Gabriela Gonzalez, 13712 Long Meadow

Daniel Gossett, 909 Isle of Man Ct.  
Kimberly Gossett, 909 Isle of Man Ct.  
R. Gossett, 909 Isle of Man Ct.  
Rick Gossett, Jr., 909 Isle of Man Ct.  
Jackie Gotsche, 15835 Foothill Farms Lp.  
Kirk Hale, 911 Isle of Man Court  
Holly Hand-Medina, 1522 Natural Bridge Ln.  
Lorne Harris, 1036 Kirtomy Loop  
Helen Hayter, 1504 Suzi Lane  
Johnathan and Nicci Haynie, 1407 Willow Bluff Dr.  
Rick Heckman, 907 Isle of Man Ct.  
Wilford and Foluke Holley, 805 Whitehall Dr.  
Edward Holly, 1612 Mentone Dr.  
Christina Horn, 1608 Wild Orchard  
Deanna K. Huff, 16501 Edgemere Dr.  
David Hulum, 1528 Lockaline Loop  
Kristen Hulum, 1528 Lockaline Loop  
Blake Hunter, 17409 Zola Lane  
Eldridge Hutcheson, 1600 Emblem Ct.  
Jennie Hutcheson, 1600 Emblem Ct.  
Nelson Irvin, 1404 Lockaline Loop  
Sharon Irvin, 1404 Lockaline Loop  
Patty Jackson, 1611 Suzi Ln.  
Stephen Jackson, 1611 Suzi Ln.  
Braden Johnson, 1410 Cora Marie Cv.  
Lori Jones, 16309 Idaho Falls Ln.  
Kenneth Kalu  
Debbie Karst, 912 Isle of Man Court  
Elaine Keily, 1404 Haley Gray Dr.  
Leon Keller, 1705 Cranston Cove  
Bryan Kerley, 16217 Malden Dr.  
Mourad Ben Kholed, 17302 Guana Cay Dr.  
Stacy Knause, 1419 Amber Day Dr.  
Melvin Lammons, 17107 Simsbrook Dr.  
Gary Langley, 908 Isle of Man Court  
Mary Langley, 908 Isle of Man Court  
Amber Lemmons, 17409 Zola Lane  
Cheyenne Ligon, 1203 York Castle Dr.  
Lori D. Macias, 16854 Tortoise St.  
Jack Mangham, 17412 Salt Flat Ln.  
Teri Manry, 1206 Pitcairn Dr.  
Alfredo M. Martinez, 1033 Disraeli Circle  
Randy Leah May, 17037 Tortoise Street  
Gary W. McCall, 1409 Cora Marie Cv.  
Sonja McCracken, 17509 Strontian Pass  
Danny R. McGinnis, 17405 Zola Lane  
Rena McGinnis, 17405 Zola Lane  
Jo Anna Mercado, 700 Dashwood Creek Ct.  
Jacqueline Merrow, 1119 Blackthorn Dr.  
James and Jackie Messer, 16931 Copperhead Drive  
Joaquin Miro, 1504 Bedovin Ct.  
Ann Mitchell, 1004 Thackeray Lane  
Mark N. Mitchell, 1004 Thackeray Lane  
Sara Mock, 16911 Dashwood Crk Dr.

Patti R. Moore, 1110 Blackthorn Dr.  
Matt Mitzner, 16520 Framingham Circle  
Mack E. Murphy Sr, 1103 Thackeray Ln.  
Theresa Murphy, 1103 Thackeray Lane  
Brian Murray, 1800 Kafka Cr.  
Alberto Nunez, 17229 Sandwick Dr.  
Gabriel Ornelas, Jr., 1603 Copperhead Cove  
Janet Ortiz, 1602 Jigsaw Cove  
Eleanor J. Peden, 1115 Blackthorn Drive  
Charles A. Pegoda, 17206 Cranston Dr.  
Mrs. Charles A. Pegoda, 17206 Cranston Dr.  
Jolee Pekarek, 17008 Dashwood Creek  
Jarom Pena, 1415 Amber Day  
Phan Phuong, 16912 Dashwood Creek Dr.  
Lawrence Pickens, 17405 Orwell Lane  
Jon Pierson, 16301 Malden  
Gerald and Teresa Plumb, 16944 Tortoise Street  
Michelle Plumb, 1724 Barilla Mountain Trl.  
Wayne Popp, 16822 Tortoise St.  
J. Proga, 17806 Worley Dr.  
Maree Proctor, 1308 Willow Bluff  
Marek Proga, 17806 Worley Dr.  
Marcia Proulx, 17102 Northavens  
Michael Pullon, 17716 Limpia Creek Drive  
Michelle Rawashdeh, 1502 Cora Marie Dr.  
Chrisla Reeves, 1102 Canyon Maple Rd.  
Gracie Roberto, 17328 Manish Dr.  
Don Rogers, 16117 Windermere Dr.  
Rosemont @ Heatherbend Apts, 16701 N. Heatherwilde Blvd.  
Pam Rutherford, 603 Quincy Dr.  
Jean L. Rutledge, 16835 Cranston Dr.  
Mario Sanchez, 1510 Natural Bridge Ln.  
Mark Sandeen, 1413 Suzi Lane  
Gregory A. Schuck, 1016 Blackthorn Dr.  
Trevor Schwab, 16926 Cactus Blossom Dr.  
Peter Shugart, 1113 Pitcairn Dr.  
Janice Johnson Simcox, 1414 Haley Gray Dr.  
Larry Simcox, 1414 Haley Gray Dr.  
Heidi Skelton, 1012 Disraeli Cir.  
Arthur Smart, 1126 Disraeli Cir.  
Mariela Marquez Singh, 1406 Katie Lynch Dr.  
Terry and Lonnye Smith, 1103 Laurelleaf Dr.  
Dennis Spencer, 1605 Emblem Ct.  
Fawn Spencer, 1605 Emblem Ct.  
Jarett Spinhirne, 17020 Jigsaw Pathway  
Liz Spinhirne, 17020 Jigsaw Pathway  
Debbie Staats, 913 Black Locust  
Scott E. Stalnaker, 17002 Simsbrook Dr.  
Anthony Stephens, 17320 Manish Dr.  
Steve Stewart, 16406 Edgemere Dr.  
Terry Struble, 1524 Firestone Dr.  
Ramon and Gloria Suerto, 17500 Salt Flat Lane  
Victoria M. Tolan, 16922 Cactus Blossom Drive  
Sanda Vandahl, 17127 Ardisia Dr.

Lynn Vaughn, 17215 Village Glen Rd.  
Nathaniel K. Vergara, 17203 Valley Glen Road  
Susan A. Vertrees, 16907 Simsbrook Dr.  
Carlos Villatro, 1700 Candelaria Mesa Dr.  
Earl Wellborn, 16420 Knottingham Dr.  
Elaine Werner, 16317 Edgemere Dr.  
Colin West, 16417 Knottingham Dr.  
Robert White, 1600 Jigsaw Cv.  
Sheila White, 1600 Jigsaw Cove  
Robert Wilkerson, 1502 Cora Marie Dr.  
David Willis, 1214 York Castle Dr.  
Kenny Wilson, 1413 Haley Gray Dr.  
Lonnie Wilson, 900 Thackeray Ln.  
Pam Wilson, 900 Thackeray Ln.  
Herbert M. Wise III, 17001 Jigsaw Pathway  
Stephen Whitfield, 1238 Acanthus St.  
Shawn Winkelman, 1521 Natural Bridge Lane  
Charlotte Wright, 1205 Thackeray Ln.  
James P. Wright, 1205 Thackeray Ln.  
Rudy Ybarra, 204 Boone Valley

Mr. Marshall made a motion to close the public hearing. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

Mr. White made a motion to approve item 2A, approving the ordinance denying the rate increase as read. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

### 3. Resolution

- 3A. RES-0058 Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION BY THE CITY OF PFLUGERVILLE, TEXAS TO AUTHORIZE SPECIAL COUNSEL TO RESIST THE ACQUISITION OF WINDERMERE UTILITY COMPANY, INC. BY MONARCH UTILITIES I, L.P. IN SOAH DOCKET NO. 582-12-0224 AND RELATED PROCEEDINGS, TO ENCOURAGE CUSTOMERS OF WINDERMERE UTILITY COMPANY TO ATTEND THE PRELIMINARY HEARING SCHEDULED FOR NOVEMBER 8, 2011 AT 10:00 AM AT THE WILLIAM P. CLEMENTS BUILDING AT 300 WEST FIFTEENTH STREET, AUSTIN TEXAS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN A EFFECTIVE DATE.

Mr. White made a motion to approve the resolution with the caption reading, "A RESOLUTION BY THE CITY OF PFLUGERVILLE, TEXAS TO AUTHORIZE SPECIAL COUNSEL TO RESIST THE ACQUISITION OF WINDERMERE UTILITY COMPANY, INC. BY MONARCH UTILITIES I, L.P. IN SOAH DOCKET NO. 582-12-0224 AND RELATED PROCEEDINGS, TO ENCOURAGE CUSTOMERS OF WINDERMERE UTILITY COMPANY TO ATTEND THE PRELIMINARY HEARING SCHEDULED FOR NOVEMBER 8, 2011 AT 10:00 AM AT THE WILLIAM P. CLEMENTS BUILDING AT 300 WEST FIFTEENTH STREET, AUSTIN TEXAS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN A EFFECTIVE DATE." Ms. Sattler seconded the motion. All voted in favor. The motion carried.

4. 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 8:22 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on November 22, 2011.