



City of Pflugerville

Minutes - Final City Council

Tuesday, February 12, 2013

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Coleman called the regular meeting to order at 7:02 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña and Starlet Sattler were in attendance. Councilmember Victor Gonzales was absent. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Christa Deamer, Deputy City Secretary; Dan Franz, City Engineer; Emily Barron, Planning Director; James Wills, Public Works Director; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief.

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 of America.

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. [2013-1660](#) Proclamation declaring the week of February 7, 2013 to February 14, 2013 as Congenital Heart Defect Awareness Week in the City of Pflugerville.

Mayor Coleman presented the proclamation to Brandi Gandy and her daughter Madison.

3B. [2013-1663](#) Presentation to introduce the city's new web-based system, FOIA Systems, for the management and tracking of open records requests.

Ms. Waggoner presented information and answered questions from Council. Mr. Hyde gave clarification on response time in relation to closed and open requests.

4. Public Comment

Brent Hurta, 3104 Murrelet Way, did not wish to speak, but asked that the Mayor announce for the record his support for a skate spot/park in Pflugerville.

Gary Rose, representing SouthWest Water Company (Windermere Utilities), spoke on their financial assistance program and writing contest and stated that the company gives back to community in the form of taxes.

Doris J. Williams, 18603 Mammoth Cave Blvd., expressed concern about water quality – specifically the hardness of the water. She stated that she wanted to know what the city plans to do about water quality. Mr. Wade explained that her water is provided by Manville Water Supply Corporation and said that the city is working with Manville on such issues. He offered to contact her to speak to her further on the matter.

Reading of the Consent Agenda

Ms. Deamer read the items to include the captions of the ordinances under consideration.

5. Approval of Minutes

- 5A. [2013-1655](#) Approval of the minutes of the January 22, 2013 Worksession and Regular Meeting and February 5, 2013 Special Meeting.

The minutes were approved on the consent agenda.

6. Ordinances Second Reading

- 6A. [ORD-0132](#) Approving an ordinance on second reading with the 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 APPROVING A SPECIAL DISTRICT FOR A LIGHT INDUSTRIAL USE IN CORRIDOR URBAN LEVEL 4 (CL4) ON APPROXIMATELY 40.36 ACRES OUT OF THE T.G. STEWART SURVEY NO. 6 AND THE H. BLESSING SURVEY NO. 3, IN TRAVIS COUNTY, TX, GENERALLY LOCATED NEAR THE INTERSECTION OF W. PFLUGERVILLE PARKWAY AND F.M. 685, TO BE KNOWN AS THE DATA CENTER PARK SPECIAL DISTRICT (SD1210-02), AND PROVIDING AN EFFECTIVE DATE.

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

- 6B. [ORD-0138](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ESTABLISHING REQUIREMENTS FOR NON-MUNICIPALITY OWNED WATER AND SEWER UTILITIES FOR THE PRE-FILING OF DATA NECESSARY FOR THE GOVERNING BODY TO MAKE A

DETERMINATION OF A REASONABLE RATE BASE FROM WATER AND WASTEWATER PROVIDERS; AUTHORITY TO RETAIN CONSULTANTS TO REVIEW AND ANALYZE RATE CHANGE PROPOSALS; AUTHORITY TO SEEK REIMBURSEMENT OF SAID EXPENSES; PROVIDING FOR THE FOLLOWING; ENACTMENT; FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; RULES; STANDARDS; AND ENFORCEMENT, INCLUDING INJUNCTIVE RELIEF AND CIVIL REMEDIES AND PROVIDING AN EFFECTIVE DATE.

This ordinance was amended by the City Attorney after its approval on first reading. The ordinance was approved as amended on second reading on the consent agenda. Approval on third reading will be required for its finalization.

7. Resolution

- 7A. [RES-0129](#) Approving a resolution finding that a public purpose is served by the City's involvement in elections for the Manville Water Supply Corporation Board of Directors and authorizing the use of public resources in connection with elections for the Manville Water Supply Corporation Board of Directors.

The resolution was approved on the consent agenda.

8. Other Actions

- 8A. [2013-1641](#) Submission of the 2012 Racial Profiling Data Report to the City Council as required by Texas Statute Code of Criminal Procedure, Chapter 2 General Duties of Officers, Art. 2.132 Law Enforcement on Racial Profiling.

The item was approved on the consent agenda.

- 8B. [2013-1653](#) Approving and authorizing the City Manager to execute a Second Amendment to Roadway Development Agreement (Avalon), and a Second Amendment to NPWIS Construction and Participation Agreement.

The item was approved on the consent agenda.

- 8C. [2013-1656](#) Receive report on City Council, Commission, Board and Committee expenditures for January 2013.

The item was approved on the consent agenda.

- 8D. [2013-1662](#) Approving the selection of Binkley and Barfield for professional engineering services associated with design, bidding, and construction administration of the Rowe Loop Wastewater Service Extension Project and authorizing the City Manager to enter into negotiations regarding a scope of work and fee proposal.

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.

9. Discuss and consider action

- 9A. [2013-1658](#) Discuss and consider action regarding future agenda items.

Mr. Cooper asked for a discussion item on the consultant selection process. He also requested an item for discussion, to include a matrix to be compiled by staff, on consultants hired and their related contracts including initial amounts and amendments made to the contracts. Mr. Peña requested an item addressing spending versus budget and where the city stands so far for the year.

10. Discuss only

Mayor Coleman announced that the City Council was retiring to executive session for discussion on items 10A, 10B, and 10C. He read the items to be discussed and retired to executive session. The time was 7:26 p.m.

- 10A. [2013-1657](#) 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.

- 10B. [2013-1659](#) 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.

- 10C. [2013-1665](#) 1.) Executive Session Item: Discussions regarding deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code.

Discussion on the item was to take place in executive session. No action was taken.

Mr. Marshall exited the meeting during Executive Session at 8:50 p.m.

Executive Session Closed

Mayor Coleman reconvened in open session at 8:57 p.m.

11. Adjourn

Mr. Cooper made a motion to adjourn. Ms. Sattler seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

**Christa Deamer
Deputy City Secretary**

Approved as presented on February 26, 2013.