



# City of Pflugerville

## Meeting Agenda - Final City Council

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Tuesday, February 28, 2012

7:00 PM

First Baptist Church, 801 W. Pecan Street

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### Regular Meeting

#### 1. Call to order

#### 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.

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.

#### 3. Resolutions

- 3A. [RES-0077](#) Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF PFLUGERVILLE, TEXAS, ESTABLISHING A PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN PRIVATELY OWNED PROPERTY INTERESTS OWNED BY WINDERMERE WATER CO.; AUTHORIZING THE ACQUISITION OF THE WATER AND WASTEWATER UTILITY COMPANY SERVING A PORTION OF THE CITY, INCLUDING ALL RELATED PROPERTY RIGHTS, REGULATORY RIGHTS AND AUTHORITY TO SERVE THE AREAS AND PUBLIC CURRENTLY SERVED AND AFFECTED AND FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW; AUTHORIZING THE USE OF EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC PURPOSE OF ACQUIRING A LOCAL WATER AND WASTEWATER UTILITY COMPANY SERVING THE CITY OR FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW.

- 3B. [RES-0078](#) Discuss and consider action to approve a resolution with the caption reading: A RESOLUTION OF THE CITY COUNCIL OF PFLUGERVILLE, TEXAS, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO PERFORM CERTAIN ACTS, TO IDENTIFY AND ENGAGE CONSULTANTS AND OTHER SERVICES NECESSARY TO PROTECT, PRESERVE, BETTER MANAGE, AND BETTER REGULATE AVAILABLE WATER SUPPLIES, REDUCE THE RISK OF WATER SHORTAGES, REDUCE WATER AND WASTEWATER UTILITY OPERATING COSTS, REDUCE CUSTOMER COSTS FOR WATER AND WASTEWATER SERVICE, ENHANCE WASTEWATER DISCHARGE QUALITY, ENHANCE WATER QUALITY, ENHANCE THE ENVIRONMENT, AND IMPROVE LOCAL GOVERNMENTAL OVERSIGHT, CONTROL AND MANAGEMENT OF WATER AND WASTEWATER SERVICES PROVIDED TO THE PUBLIC.

#### 4. Public Comment

In accordance with the Texas Attorney General's Opinion, any public comment that is made on an item that is not on the published final agenda will only be heard by the City Council. No formal action, discussion, deliberation, or comment will be made by the City Council. Each person providing public comment will be limited to 3 minutes.

#### Reading of the Consent Agenda

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless requested by a member of the City Council. Public comment on consent agenda items may be heard without removing the item from the consent agenda. Each person providing public comment will be limited to 3 minutes.

#### 5. Approval of Minutes

- 5A. [2012-1057](#) Approval of the minutes of the February 14, 2012 Worksession and Regular Meeting; and February 21, 2012 Worksession.

#### 6. Ordinances Second Reading

- 6A. [ORD-0096](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS GRANTING THE CONVEYANCE OF AN EASEMENT OF 0.017 ACRES (APPROX. 754 SQ. FT.) BEING A PORTION OF LOT B, SETTLERS RIDGE COMMERCIAL NO. 4, A SUBDIVISION OF RECORD IN VOLUME 85, PAGE 137B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

#### 7. Other Actions

- 7A. [2012-1056](#) Review of the Quarterly Investment Report for the quarter ending December 31, 2011.
- 7B. [2012-1055](#) Approving and authorizing the City Manager to execute a new Temporary Drainage and Access Easement Agreement to replace the existing easement by and between Branch Banking and Trust Company and the City of Pflugerville located at the southwest corner of New Meister Lane and the MOKAN right-of-way, in the vicinity of the Verde Springbrook Corporate Center.
- 7C. [2012-1060](#) Approving and authorizing the City Manager to execute a new Drainage and Access Easement Agreement to replace the existing easement by and between Branch Banking and Trust Company and the City of Pflugerville located at the southwest corner of New Meister Lane and the MOKAN right-of-way, in the vicinity of the Verde Springbrook Corporate Center.
- 7D. [2012-1048](#) Appointing Mr. Jerry Spataro and Mr. Robert Spoonemore as regular members of the Library Board with terms ending December 31, 2013 and Ms. Samantha Akins as the alternate member of the Library Board with a term ending December 31, 2012.
- 7E. [2012-1040](#) Submission of the 2011 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.
- 7F. [2012-1062](#) Authorize the City Manager to approve an agreement for financial and investment advisory services with Harrison Securities, Inc.
- 7G. [2012-1063](#) Approving a reimbursement request in the amount of \$333.25 by Mayor Jeff Coleman for business meeting mileage and expenses.
- 7H. [2012-1059](#) Approving a Pflugerville Community Development Corporation (PCDC) performance agreement with the Pflugerville Education Foundation (PEF) for vocational programs including Project Lead the Way and Geometry in Construction.

### Action on the Consent Agenda

#### 8. Discuss and consider action

- 8A. [2012-1030](#) Discuss and consider action regarding future agenda items.

- 8B. [2012-1067](#) 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.  
2.)Open Session Item: Discuss and consider action regarding the provision of public utilities within the City of Pflugerville.
- 8C. [2012-1066](#) 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.
- 8D. [2012-1070](#) 1.) Executive Session Item: Deliberations regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code. 2.) Open Session Item: Discussion regarding economic development negotiations.

## 9. Adjourn

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**Attendance By Other Elected or Appointed Officials:**

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

**Jeff Coleman, Mayor**

This is to certify that a copy of this agenda for this meeting was posted on the bulletin board located at the City Municipal Building on February 24, 2012, at 5:00 PM pursuant to Section 551.041, Government Code.

**Karen Thompson, City Secretary**

The City of Pflugerville is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 990-6101 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 272-9116 or may utilize the statewide Relay Texas program at 1-800-735-2988.