



# City of Pflugerville

## Minutes - 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

Mayor Jeff Coleman called the meeting to order at 7:00 p.m. Councilmembers Wayne Cooper, Brad Marshall, Darelle White, 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; Karen Thompson, City Secretary; Chuck Hooker, Police Chief; Terri Waggoner, Public Information Officer; Beth Davis, Finance Director; Tracy Hibbs, Utility Business Operations Manager; Jessica Chavez, City Manager's Office Admin Tech II.

#### 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 to the Texas State Flag.

### 3. Resolutions

Mayor Coleman opened both resolution items for consideration. He read item 3A and the resolution and provided comments. He stated regarding the first resolution, that it is a first step and that the City hopes to come to an agreement and long-term solution. Mr. Gonzales, Mr. White and Mr. Cooper provided comments. Citizens were asked to stay involved and to continue to participate. Mayor Coleman asked residents with billing concerns to make those known by filing written complaints with Windermere Utility and the Texas Commission on Environmental Quality (TCEQ).

Mayor Coleman read item 3B and the resolution and provided comments. He stated that this resolution directs the City Manager and City Attorney to bring forward an ordinance requiring appropriate product to be provided to all customers in the City regardless of the provider. Mr. Cooper provided comments.

Mayor Coleman called forward those people who had requested to speak before the City Council on resolution items 3A and 3B.

The following spoke in support of resolution items 3A and 3B:

Richard Franklin, 3906 Sojourner St, indicated that he lives in the Hornsby Bend area and believes their county should be part of this change. He indicated concern for the cost for his mother who is on a fixed income. He stated that her last water bill was \$157. He stated to Council to understand that they are connected to Hornsby Bend. He stated that Hornsby Bend does not have a city behind them. He stated that he would be taking the resolutions back to Hornsby Bend and that they are talking about incorporating their over 5,000 residents.

Francia Baez, 1418 Suzi Ln, thanked the Council. She asked if they should also make billing complaint to the Attorney General because it was a fraudulent way of doing business. Mr. Hyde encouraged her to make complaint to the Attorney General if she would like to do so.

Bruce R. Calvin, 16508 Framingham Circle, indicated that this is a great night. He stated that it will be a tough struggle. He stated that they, as elected officials, are fighting for them. He thanked the Council.

Keith Keily, 1404 Haley Gray Dr, thanked the Council for their hard work. He stated that he knows they have a fight and that they will win. He stated that a lot of people are ready to back them up.

Deanna Huff, 16501 Edgemere, thanked the Council for what they are doing. She stated that she called regarding the billing errors and was told it was because of leap year. She stated that the billing increase took place after they hit a road block on their rate increase.

Jean Lackey, 16900 Gower, was called by the Mayor but did not show to speak.

Heidi Carabine, 16800 Langland Road, indicated lack of trust in the TCEQ. She stated it has to go up through the State.

Mr. White encouraged all to submit complaints to the TCEQ and the Attorney General. Mayor Coleman recommended also sending those to Representatives Strama, Dukes and Watson. Mr. White asked that communications always be done in a respectful manner to show that Pflugerville is professional and informed.

Larry Connally, 1012 Hughmont Drive, expressed appreciation to the Council. He stated that he is a former employee of the TCEQ and recommended that everyone be respectful. He stated that upper level TCEQ is appointed by Rick Perry and encouraged everyone to also send information to him. He asked that everyone flood them with their concerns and take a stand.

Don Faughn, 16106 Stoneham, expressed appreciation to the Council. He stated that he lives in Windermere. He indicated concerns for water he does not drink, billing issues and people on fixed incomes moving out of the neighborhood.

The following people indicated that they did not wish to speak and asked that the Mayor announce their support for approval of the resolutions item 3A and 3B:

Barel Alcantara, 17306 Orwell Ln  
Andrew & Anne Alff, 17132 Bishopsgate Dr  
Russell Bobbitt, 1704 Cranston Cove  
Angela Baez, 1418 Suzi Ln  
Robert Barrera, 1603 Viki Lynn Ct  
Karin Bergthold, 1509 Emblem Dr  
Darrell Birdwell, 16203 Malden Dr  
Dale A. Boswell, 17212 Guana Cay Dr  
Mary S. Boswell, 17212 Guana Cay Dr  
Cecelia Boyer, 1602 Emblem Ct  
Dennis Boyer, 1602 Emblem Ct  
Leo Brown, 1411 Cora Marie Cv  
Anne Butler, 17425 Bishopsgate Dr  
Heidi Carabine, 16800 Langland Rd  
Judi Carter, 809 Ivy Dr  
E. Marie Castillo, 17214 Guana Cay Dr  
Elizabeth Choquette, 1114 Bataria Dr  
Cheri Connally, 1012 Hughmont Dr  
Larry M. Connally, 1012 Hughmont Dr  
Ricky & Claudia Crislip, 17102 Tortoise St  
Michael Curtis, 1515 Balmorhea Ln  
Georgina Davis, 1102 York Castle  
Demba Diawara, 17412 Dashwood Creek Dr  
Tamara Edwards, 16420 Parkway Dr  
Allan Jerry Escherger, 910 Ramble Creek Dr  
Sandie Faske, 16923 Cactus Blossom Dr  
Don Faughn, 16106 Stoneham Circle  
Sandy Flora, 807 Ramble Creek Dr  
Jeremy Frazzell, 17626 Loch Linnhe Loop  
Carol K. Gangey, 1030 Disraeli Circle  
Stephen W. Gangey, 1030 Disraeli Circle  
Derek George, 1200 Thackeray Ln  
Don & Rachael Gerdes, 17104 Fitzgerald Ln  
Helen Hayter, 1504 Suzi Ln

Brad Henderson, 1907 W Pflugerville Pkwy  
Iris Hinds, 16009 Stoneham Cir  
Robert L. Humphrey, Jr., 17705 Quitman Mtn Way  
Eldridge & Jonnie Hutcheson, 1600 Emblem Ct  
Nelson Irvin, 1404 Lochaline Loop  
Sharon Irvin, 1404 Lochaline Loop  
Patrice Jackson, 1611 Suzi Ln  
Stephen Jackson, 1611 Suzi Ln  
Roy Johnson, 16207 Windermere Dr  
Sandra & Julian Jones, 905 Ramble Creek Dr  
Brendon Jordan, 2808 Lafayette Ave  
April Kihlstrom, 17101 Bishopsgate  
Stacy Knause, 1419 Amber Day Dr  
Valerie Krueger, 17208 Dashwood Creek  
Ken LaBarre, 1536, Jerusalem Dr  
Johni Apkil Lahbabi, 1313 Haley Gray  
Amber Lammons, 17107 Simsbrook Dr  
Boyd A Lawrence, 16303 Bates Cove  
Douglas Marsolan, 903 Ramble Creek Dr  
Sonja McCracken, 17509 Strontain Pass  
Chelsea McMurtrie, 17204 Village Glen Cv  
Lewis McMurtrie, 17204 Village Glen Cv  
Judy Mintier, 1404 Katie Lynch  
William Morris, 17208 Cranson Dr  
Bernadine A. Morse, 15835 Foothill Farms Loop Apt 2013  
Cindy Nelson, 16414 Framingham Cir  
Heather Nichols, 1410 Katie Lynch Dr  
Janet Ortiz, 1602 Jigsaw Cove  
Jolee Pekarek, 17008 Dashwood Creek Dr  
Michael Pullon, 17716 Limpia Creek Dr  
Preston Pyka, 1002 Ramble Creek  
Bess A. Roberts, 17008 Tortoise St  
Phyllis Roe, 17513 Strontain Pass  
Don Rogers, 16117 Windermere Dr  
Rick Schaefer, 17212 Village Glen Rd  
Peter Shugart, 1113 Pitcairn Dr  
Mariela M. Singh, 1406 Katie Lynch Dr  
KC & Lulane Smith, 2101 Bethesda Ct  
Jerry Spataro, 701 Holly Ct  
Frances Stark, 15835 Foothill Farms Loop #1814  
Dana Stieferman, 17106 Fitzgerald La  
Terry L. Struble, 1524 Freestone Dr  
Donnie Strybos, 1517 Lobo Mtn  
Frances Torres, 1212 York Castle  
Susan Vertrees, 16907 Simsbrook Dr  
Debbie Weiss, 16011 Stoneham Circle  
Earl Wellborn, 16420 Knottingham Dr  
Robert & Sheila White, 1600 Jigsaw Cove  
James A. Wilkinson, 804 Point Run Dr  
Jeffrey & Amy Williams, 1617 Hueco Mountain Rd  
Bob Zawadzki, 1520 Bergamont Dr  
Kenda Zawadzki, 1520 Bergamont Dr

- 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.

**Mr. Marshall and Mr. Gonzales provided comments. Mr. Marshall made a motion to approve the first resolution item 3A. Mr. Gonzales seconded the motion. All voted in favor. The motion carried.**

- 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.

**Mr. Cooper made a motion to approve resolution item 3B. Mr. White seconded the motion. All voted in favor. The motion carried.**

#### **4. Public Comment**

There were no requests to speak under the Public Comment item.

#### **Reading of the Consent Agenda**

**Ms. Thompson read the items along with the caption of the ordinance under consideration.**

**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.

The minutes were approved on the consent agenda.

**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.

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

**7. Other Actions**

- 7A. 2012-1056 Review of the Quarterly Investment Report for the quarter ending December 31, 2011.

The item was approved on the consent agenda.

- 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.

The item was approved on the consent agenda.

- 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.

The item was approved on the consent agenda.

- 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.
- The item was approved on the consent agenda.
- 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.
- The item was approved on the consent agenda.
- 7F.      2012-1062      Authorize the City Manager to approve an agreement for financial and investment advisory services with Harrison Securities, Inc.
- The item was approved on the consent agenda.
- 7G.      2012-1063      Approving a reimbursement request in the amount of \$333.25 by Mayor Jeff Coleman for business meeting mileage and expenses.
- The item was approved on the consent agenda.
- 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.
- The item was approved on the consent agenda.

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

Mr. White made a motion to approve the consent agenda. Ms. Sattler seconded the motion. All voted in favor. The motion carried.

### **8. Discuss and consider action**

- 8A.      2012-1030      Discuss and consider action regarding future agenda items.
- No future agenda items were noted.
- 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.
- Discussion on the item took place in the earlier worksession. There was no discussion or action on the item at the regular meeting.

- 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.

Discussion on the item took place in the earlier worksession. There was no discussion or action on the item at the regular meeting.

- 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.

Discussion on the item took place in the earlier worksession. There was no discussion or action on the item at the regular meeting.

## 9.      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 8:15 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as \_\_\_\_\_ on March 13, 2012.