

RESOLUTION NO. _____

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

WHEREAS, the City of Pflugerville, Texas (the “City”), is a Home Rule municipality located in Travis and Williamson counties, and is operating pursuant to the enabling legislation of the State of Texas and the City’s Home Rule Charter; and

WHEREAS, the City Council finds the City is currently served with water and wastewater by multiple and complex water and wastewater services and organizations; and,

WHEREAS, the City Council finds investment of public funds to obtain specialists in varied fields of expertise to comprehensively protect, preserve, better manage, and better regulate water and wastewater services will 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 and the environment; provide better fire protection, and improve the reliability, management and consistency of water services in the City; and

WHEREAS, the City Council finds it necessary to instruct staff to prepare all necessary local legislation and to take all reasonable steps to support state legislation to manage the delivery of water and wastewater services to the public, including the imposition of public right of way regulation and management, establishing mandatory capital improvement requirements, establishing minimum standards and maximum time periods for infrastructure improvements to be put in place to ensure adequate, efficient, effective, consistent and reliable water and wastewater services to the citizens of the City at a consistent and reasonable rate and to ensure equality of services provided to the citizens and to provide for the strict enforcement of all local and state requirements now and in the future; and,

WHEREAS, the City Council finds that staff should be directed to take any steps deemed necessary and appropriate and any such action taken is only limited to that which is appropriate by law and may include the imposition of mandatory franchise ordinances,

right of way management ordinances, mandatory water and wastewater capital improvement regulations requiring the expansion, enlargement, improvement of plant and facilities necessary to provide adequate service to the public, and to require water and wastewater utilities to furnish to the City at no cost to the City, full information regarding the location and precise description of all the holder's facilities in, over, or under the City and regulating and controlling the location, relocation, and removal of the facilities, to collect from the public utilities appropriate fees without authorizing such costs to be passed through to the customers; and,

WHEREAS, the City Council finds that public utilities should pay a proportionate part of increased City cost of operations and services attributable to the utility's occupancy or use of public property and required as a result of damage to or disturbance of public property caused by the utility and compelling the utility to make and bear the cost of repairs or other operations made necessary by the utility's occupancy or use of, or damage to or disturbance of, public or private property, all to ensure safe, efficient, and continuous service to the public, without authorizing such costs to be passed through to the customers; and,

WHEREAS, the City Council finds that the City Manager is directed to present local legislation requiring public utilities using the City's right of way or infrastructure to allow the City joint use of their facilities in the public interest and to establish reasonable terms of joint use.

WHEREAS, the City Council finds that it is in the public's interest that all water and wastewater utilities that use City right of way or infrastructure be required to keep records that accurately reflect the value of their own or other property used in rendering its service to the public and that reflect the utilities' actual expenses, receipts, and profits of all kinds and permits the reporting of operations to the City, the examination and auditing of all accounts and other records of the water or wastewater utility.

WHEREAS, the City Council now deems it necessary to authorize the City Manager of the City of Pflugerville, Texas, and the City Attorney, the law firm of Denton, Navarro, Rocha & Bernal, P.C. and their designees to take all steps necessary to carry out the will of the Council as expressed in this Resolution.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1: The recitals made in the preamble of this Resolution are true and correct, and incorporates such recitals herein.

Section 2: The City Manager, City Attorney, and their designees are authorized to identify and engage all necessary specialists in varied fields of expertise to comprehensively protect, preserve, better manage, better regulate water and wastewater services, will reduce the risk of water shortages, reduce water and wastewater utility

operating costs, reduce customer costs for water and wastewater services, enhance wastewater discharge quality, enhance water quality and the environment; provide better fire protection, and improve the reliability, management and consistency of water services in the City;

Section 3: City Staff, through the City Manager and City Attorney shall prepare and take all reasonable steps to present local legislation and to support state legislation to carry out the intent of this Resolution to better manage the delivery of water and wastewater services to the public, including the imposition of public right of way regulation and management, establishing mandatory capital improvement requirements, establishing minimum standards and maximum time periods for infrastructure improvements to be put in place to ensure adequate, efficient, effective, consistent and reliable water and wastewater services to the Citizens of the City at a consistent and reasonable rate and to ensure equality of services provided to the citizens and to provide for the strict enforcement of all local and state requirements now and in the future.

Section 4: City Staff, through the City Manager and City Attorney shall take any steps deemed necessary and appropriate to develop local laws, which may include but are not limited to mandatory franchise ordinances, right of way management ordinances, mandatory water and wastewater capital improvement regulations (requiring the expansion, enlargement, improvement of plant and facilities necessary to provide adequate service to the public) and which require water and wastewater utilities to furnish to the City at no cost to the City, full information regarding the location and precise description of all the holder's facilities in, over, or under the City and regulating and controlling the location, relocation, and removal of the facilities, to collect from the public utilities appropriate fees without authorizing such costs to be passed through to the customers.

Section 5: City Staff, through the City Manager and City Attorney shall endeavor to establish a fee structure applicable to water and wastewater utilities, so they pay a proportionate part of increased City cost of operations and services attributable to the utility's occupancy or use of public property and required as a result of damage to or disturbance of public property caused by the utility and compel the utility to make and bear the cost of repairs or other operations made necessary by the utility's occupancy or use of, or damage to or disturbance of, public or private property, all to ensure safe, efficient, and continuous service to the public, without authorizing such costs to be passed through to the customers.

Section 6: City Staff shall present local legislation to require all water and wastewater utilities that use City right of way or infrastructure be required to keep records that accurately reflect the value of their own or other property used in rendering its service to the public and that reflect the utilities' actual expenses, receipts, and profits of all kinds and permits the reporting of operations to the City, the examination and auditing of all accounts and other records of the water or wastewater utility.

Section 7: The City Manager of the City of Pflugerville, Texas, and the City Attorney, the law firm of Denton, Navarro, Rocha & Bernal, P.C. and their designees are directed to take all steps necessary to carry out the will of the Council as expressed in this Resolution.

Section 8: That the City Council hereby finds and determines that the meeting at which this resolution was passed was held in accordance with the Texas Open Meetings Act.

AND IT IS SO RESOLVED.

Passed and approved this 28th day of February 2012.

CITY OF PFLUGERVILLE, TEXAS

Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary