

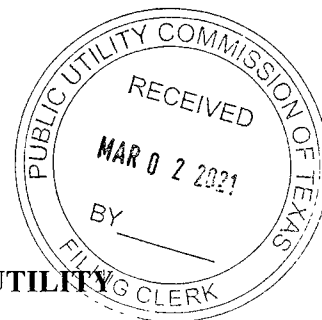


Control Number: 51863



Item Number: 1

Addendum StartPage: 0



**F51863**

DOCKET NO. \_\_\_\_\_

PETITION BY THE CITY OF §  
PFLUGERVILLE AND MANVILLE §  
WATER SUPPLY CORPORATION §  
FOR TEXAS WATER CODE §13.248 §  
APPROVAL TO DESIGNATE §  
WATER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY §  
SERVICE AREAS BY CONTRACT IN §  
TRAVIS COUNTY, TEXAS §

BEFORE THE PUBLIC UTILITY

COMMISSION OF TEXAS

**THE CITY OF PFLUGERVILLE'S AND MANVILLE WATER SUPPLY  
CORPORATION'S PETITION UNDER TEXAS WATER CODE §13.248**

COME NOW the City of Pflugerville ("Pflugerville") and Manville Water Supply Corporation ("Manville") (collectively referred to herein as "Applicants") and hereby file this Petition for approval under Texas Water Code ("TWC") §13.248 and 16 Texas Administrative Code ("TAC") §24.253 to designate certificate of convenience and necessity ("CCN") service areas by contract and enforcement of same ("Petition" or "Application"). The relief requested affects portions of Manville's water CCN No. 1114, and portions of Pflugerville's water CCN No. 11303 located in Travis County, Texas. In support thereof, Applicants show the following:

**I. PURPOSE OF PETITION**

Applicants file this Petition to request that the Commission act to approve and enforce a contract in which Manville has agreed to transfer portions of its water CCN No. 1114 service area to the existing Pflugerville water CCN No. 11303. The Applicants' agreement designates the areas to be transferred and serviced by Pflugerville. The specific transfer areas and terms of the agreement are more specifically set forth in the "Retail Water Certificate of Convenience and Necessity Service Area Transfer Agreement between City of Pflugerville and Manville Water Supply Corporation" ("Agreement"). No facilities or customers are currently located in the

designated portions of the Manville water CCN No. 1114, to be transferred to Pflugerville's water CCN No. 11303. The affected developer (as defined below) has requested water service from Pflugerville.

## **II. REQUEST FOR TRANSFER**

Pursuant to 16 TAC §24.227, implementing TWC §13.248, Applicants hereby provide the following information in furtherance of Commission approval for the CCN service area designations contemplated by this Petition pursuant to TAC §24.253:

- (1) Map(s) of the requested area in accordance with TAC § 24.257 (a) are included herein as Exhibits **"A-1" through "A-5"** respectively";
- (2) A copy of the executed Agreement, are included herein as Exhibit **"B"**;
- (3) The number of customers to be transferred is 0;
- (4) The notice provisions found in 16 TAC §24.253 (c)(1)(2)(3) do not apply because no transfer of customers or facilities are contemplated as a part of the transaction. However, in an abundance of caution pursuant to subsection (2), included herein as **Exhibit "C"**, with attachments **#1** (agenda) and **#2** (minutes), is the business record affidavit of City Secretary, Karen Thompson, attesting to the authenticity of the attachments, and that the agenda was posted on January 8, 2021 for the January 12, 2021 City of Pflugerville Regular City Council Meeting (Telephone/Video Conference) with corresponding minutes in which the Agreement was presented, and approved by the City Council (Agenda item 11H).

The Commission has no standardized application form for the relief sought in this Petition and, thus, Applicants are relying on 16 TAC §24.253 for the contents of this Petition. However, subsection (5) of that rule states that "any other information required by the commission" should

be submitted. Applicants respectfully request that the Commission inform Applicants if any other information is required. The undersigned will be the point person of contact for this Petition and Manville has authorized this filing in the Agreement.

### **III. REQUEST FOR DECERTIFICATION**

Pursuant to TAC §24.245 (d) (1) (E), Manville has consented in the written Agreement to the revocation and/or amendment of its water CCN 1114. In accordance with subsection (2) of §24.245, “a retail public utility may file a written request with the commission to revoke its CCN or to amend its CCN by decertifying a portion of the service area”. As such, the Applicants submit this written request to the Commission to decertify the portions of Manville’s water CCN No. 1114 transferred to Pflugerville’s water CCN 11303 specifically identified herein in **Exhibits “A-1” through “A-5”**.

As asserted above, there are no customers to be transferred from the area(s) specifically identified in **Exhibits “A-1” through “A-5”**. Pursuant to the Agreement, there is no apparent effect and no apparent adverse effect of the revocation or decertification amendment as to Manville and Pflugerville as the current CCN holders; to BLD VOHL 6A-1, LLC as the “affected developer”<sup>1</sup>, and to Northeast Travis County Utility District, as a landowner.<sup>2</sup> This request includes the mapping information required by TAC §24.257 as provided herein in **Exhibits “A-1” through “A-5”**. Applicants respectfully request that the Commission inform Applicants if any other information is required. If this request does not meet the statutory requirements under TAC §24.245, the Applicants requests that the Commission initiate a proceeding to decertify the affected

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<sup>1</sup> BLD VOHL 6A-1, LLC, acknowledged by signatory in the Agreement.

<sup>2</sup> Northwest Travis County Utility District acknowledged by signatory in the Agreement.

portion(s) of Manville's water CCN No. 1114 on its own motion or upon request of Commission staff pursuant to subsection (d) (3) of said section.

#### **IV. REQUEST FOR INFORMAL DISPOSITION**

Pursuant to 16 TAC §22.35, Applicants request informal disposition processing for this Petition/Application without a hearing as all requirements for the same are met.<sup>3</sup> 16 TAC§24.253 does not impose any special notice requirements for this Petition/Application because no customer transfers are contemplated.<sup>4</sup> Further, if the Petition/Application is approved, the decision will not be adverse to any party other than Commission Staff.<sup>5</sup> Thus, a hearing should not be required, and informal disposition is appropriate.<sup>6</sup>

#### **V. CONCLUSION**

The City of Pflugerville and Manville Water Supply Corporation respectfully request the Commission process this Petition/Application under TWC §13.248 and 16 TAC §24.253 with respect to the Agreement described herein and approve the CCN designations contemplated by the Agreement. If for any reason the Commission finds the information submitted with this Petition/Application is insufficient for acceptance, Applicants respectfully request that they be notified immediately and provided an opportunity to cure any deficiencies identified.

Signed this 2<sup>nd</sup> day of March 2021.

Respectfully submitted,

DENTON NAVARRO ROCHA BERNAL & ZECH  
A Professional Corporation  
2517 N. Main Avenue  
San Antonio, Texas 78212

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<sup>3</sup> 16 TAC §22.35 (a) (1) – (3).

<sup>4</sup> 16 TAC §§22.35 (a) (1) and 24.253 (c) (1) – (3).

<sup>5</sup> 16 TAC §22.35 (a) (2).

<sup>6</sup> 16 TAC §22.35 (a) (3).

Telephone: (210) 227-3243  
Facsimile: (210) 225-4481  
[patrick.bernal@rampage-sa.com](mailto:patrick.bernal@rampage-sa.com)  
[adolfo.ruiz@rampage-sa.com](mailto:adolfo.ruiz@rampage-sa.com)

BY: /s/ Adolfo Ruiz  
ADOLFO RUIZ  
State Bar No. 17385600  
PATRICK C. BERNAL  
State Bar No. 02208750  
**Attorneys for the City of Pflugerville**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument will be served on all parties of record on this 2<sup>nd</sup> day of March 2021, in accordance with 16 TAC § 22.74 in the following manner below:

Manville Water Supply Corporation  
Jack Atterstrom, President  
13805 S. SH 95  
Coupland, Texas 78615

**CMRRR 9489 0090 0027 6104 0415 63**

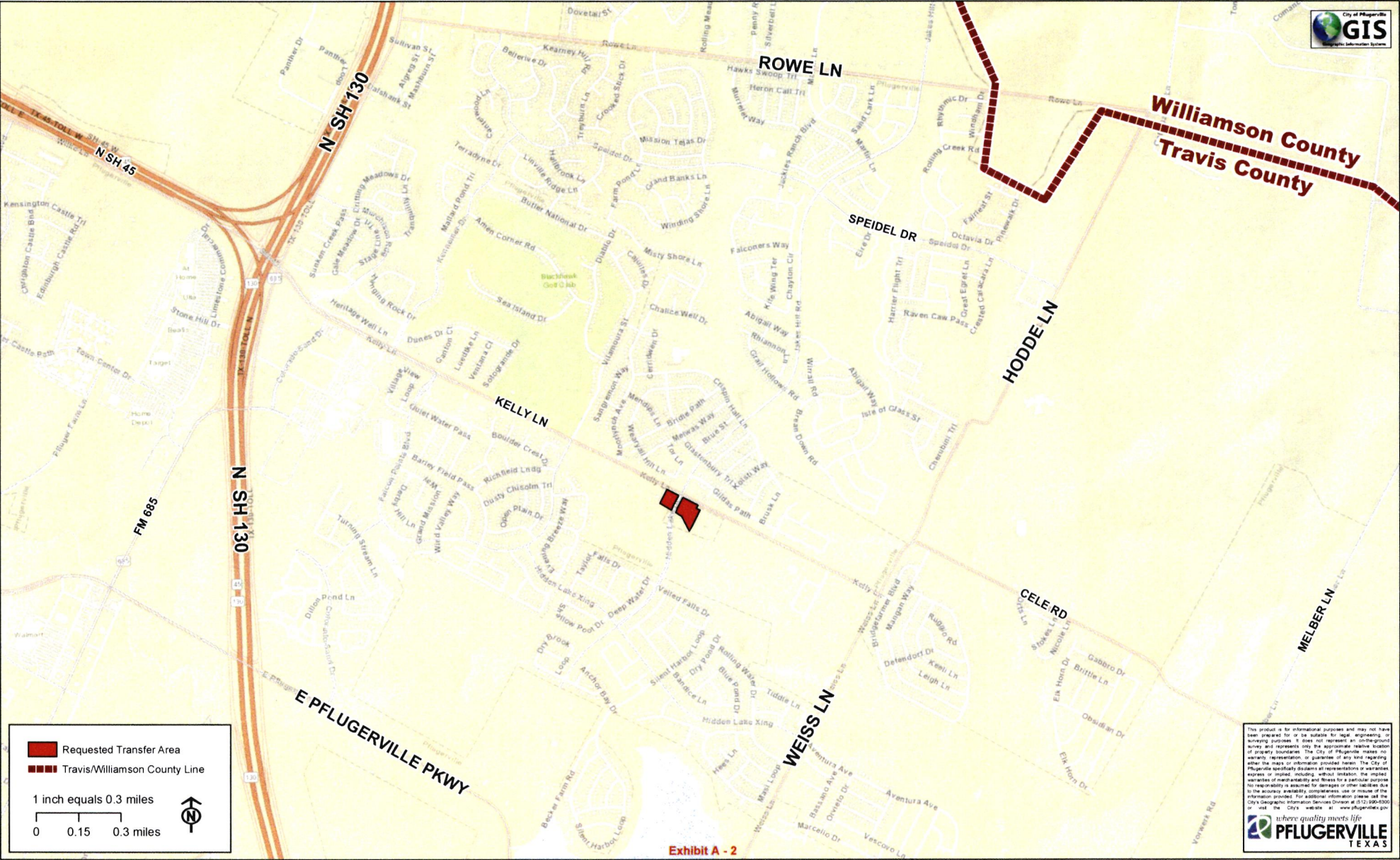
/s/ Adolfo Ruiz  
ADOLFO RUIZ

# Requested Area of CCN# 11144 to be Transferred to CCN# 11303





Requested Area of CCN# 11144 to be Transferred to CCN# 11303 - Location Map





Requested Area of CCN# 11144 to be Transferred to CCN# 11303 - Location Map



**RETAIL WATER CERTIFICATE OF CONVENIENCE AND NECESSITY SERVICE AREA  
TRANSFER AGREEMENT BETWEEN CITY OF PFLUGERVILLE AND MANVILLE WATER  
SUPPLY CORPORATION**

This Texas Water Code § 13.248 – Retail Water Certificate of Convenience and Necessity Service Area Transfer Agreement between the City of Pflugerville, Texas and Manville Water Supply Corporation (the “Agreement”) is entered into, by and between the **CITY OF PFLUGERVILLE**, a Texas home rule municipality (hereinafter “Pflugerville”), and **MANVILLE WATER SUPPLY CORPORATION**, a Texas non-profit water supply corporation and member-owned retail public utility, operating under the provisions of Chapter 67, Texas Water Code (hereinafter “Manville”) (Pflugerville and Manville, collectively, hereinafter referred to as “Parties” or in the singular as “Party”), with respect to the boundary lines of the Certificates of Convenience and Necessity (hereinafter “CCN’s”) held by each for the provision of water services to users pursuant to the Texas Water Code.

WHEREAS, Manville holds a water certificate of convenience and necessity identified as CCN #11144 by the Texas Public Utility Commission (“Manville CCN”) that authorizes and obligates Manville to provide potable water service within Manville CCN area, which includes certain lands hereinafter described that, as a result of growth of Pflugerville, now are within the extraterritorial jurisdiction of Pflugerville; and

WHEREAS, Pflugerville also holds a water CCN identified as CCN #11303 by the Texas Public Utility Commission (“Pflugerville CCN”) that authorizes and obligates Pflugerville to provide potable water service to the area covered by the Pflugerville CCN; and

WHEREAS, the Parties have determined that it is in the best interests of both Parties and of future landowners and developers within the area identified herein that the full range of Pflugerville municipal water services, including fire flow protection, be available to the certificated area involved herein; and

WHEREAS, the Parties previously entered Agreements for the transfer of water and certificate of convenience and necessity service areas on December 9, 2019 and August 24, 2020, which did not include the service area that is the subject of this Agreement. (the Previous Agreements); and

WHEREAS, the Parties desire to establish this new Agreement as evidence of their joint and collaborative written consent and agree to amend their respective CCNs through the Texas Public Utility Commission (“PUC”) pursuant to the various processes established by this new Agreement in Chapter 13 of the Texas Water Code (“TWC”), as more specifically detailed herein, to transfer the desired portion(s) of the Manville CCN to the Pflugerville CCN for single certification, Pflugerville shall file an application for such transfer with the PUC, and Manville shall consent to the transfer and shall not withhold its consent; and

WHEREAS, the parties agree to the modification of Manville’s water CCN #11144 boundaries to exclude the Manville CCN areas described below as “Water Parcel” and transferred and encompassed within Pflugerville’s water CCN #11303.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Pflugerville and Manville hereby agree as follows:

1. There currently exists an approximate total 5.06-acre of property comprised of three (3) separate tracts (herein after referred to as the “Water Parcel”) located within the boundaries of CCN #11144 and adjacent to the boundaries of CCN #11303, such boundaries more fully described in **Exhibit “A”** attached hereto.

**EXHIBIT B**

2. In accordance with Texas Water Code Section 13.248, but at all times subject to any approval by the Public Utilities Commission ("PUC") and the United States Department of Agriculture, Rural Development ("USDA"), Manville hereby agrees to the modification of the boundaries of its CCN #11144 to exclude the area contained within the Water Parcel, such area to be transferred from Manville's CCN #11144 to be encompassed with Pflugerville's CCN #11303. Manville shall bear no costs or responsibility of obtaining PUC and USDA approval of this Agreement, while Pflugerville shall bear the costs and responsibility, under this Agreement, of obtaining PUC and USDA approval. BLD VOHL 6A-1, LLC, ("affected developer") will bear the cost of compensating Manville the amount of \$1,400.00 per acre as consideration for the transfer of the Water Parcel to Pflugerville pursuant to the December 18, 2001, Amendment No. 2 to Pflugerville East Land Development Agreement.
3. As soon as practicable upon receipt of confirmation of any releases from USDA and upon payment to Manville referenced in item 2 above, Pflugerville shall be responsible for preparing and filing the appropriate application to obtain the PUC's approval of the CCN property transfer from Manville's CCN to Pflugerville's CCN. Pflugerville shall also be responsible for the preparation (excluding costs as referenced in this section) of the hard copy maps with supporting electronic metadata for the CCN property transfer that satisfies the PUC rules, along with any attorney's fees, water line relocation costs, and other mutually agreeable incidental costs.
4. In accordance with the Texas Water Code Section 13.248, but at all times subject to the approval by PUC, Pflugerville hereby agrees to the expansion and modification of the boundaries of its CCN #11303 to include the area contained within the Water Parcel, such area to be transferred from Manville's CCN #11144 to now be encompassed within Pflugerville's water CCN.
5. Pflugerville and Manville agree that under this Agreement no compensation shall be due and owing between Pflugerville and Manville in conjunction with such transfer, except for the affected developer's responsibility in Sections 2 herein. Pflugerville and Manville further agree that Pflugerville's obligations to Manville under this Agreement is not contingent upon the affected developer's agreement to fund any costs associated with the release and transfer of Manville's CCN to Pflugerville pursuant to the December 18, 2001, Amendment No. 2, Paragraph 3, of the Pflugerville East Land Development Agreement between the affected developer and Pflugerville.
6. Pflugerville agrees that, upon approval of the revisions to its CCN boundaries by the PUC to include the Water Parcel within the boundaries of CCN #11303, Manville shall have no further obligation to provide retail water service, if any, to these properties, and that Pflugerville shall be solely responsible for the provision of retail water service to the owners and occupants of the Water Parcel under such terms and conditions as are allowed under its CCN and any applicable governmental statutes and regulations.

### **GENERAL PROVISIONS**

**GOVERNING LAW.** THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED AND INTERPRETED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS. ALL ACTS REQUIRED OR PERMITTED TO BE PERFORMED HEREUNDER ARE PERFORMABLE IN TRAVIS

COUNTY, TEXAS, AND IT IS AGREED THAT ANY CIVIL ACTION BROUGHT TO ENFORCE OR CONSTRUE THE TERMS OR PROVISIONS HEREOF OR TO ENJOIN OR REQUIRE THE PERFORMANCE OF ANY ACT IN CONNECTION HEREWITH, SHALL BE BROUGHT IN A COURT OF COMPETENT JURISDICTION SITTING IN TRAVIS COUNTY, TEXAS. IT IS AGREED THAT ANY ADMINISTRATIVE LAW ACTION BROUGHT TO ENFORCE OR CONSTRUE THE TERMS OR PROVISIONS HEREOF OR TO ENJOIN OR REQUIRE THE PERFORMANCE OF ANY ACT IN CONNECTION HEREWITH, SHALL BE BROUGHT AT THE PUC OR ITS SUCCESSOR AGENCY. THIS AGREEMENT IS SUBJECT TO AND WILL BE INTERPRETED IN ACCORDANCE WITH THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA AND THE STATE OF TEXAS, THE TEXAS WATER CODE, AND ORDER RULES, AND REGULATIONS OF GOVERNMENTAL BODIES AND OFFICERS HAVING JURISDICTION.

### **NOTICES**

Any notice to be given hereunder by any party to the other parties shall be in writing and may be affected by certified mail, return-receipt requested, facsimile or personal service.

Notice to Pflugerville shall be addressed to: The City of Pflugerville, P.O. Box 589, Pflugerville, Texas 7869, Attn: City Manager.

Notice to Manville WSC shall be addressed to Manville Water Supply Corporation, 13805 S. SH 95 Coupland, Texas 78615, Attn: General Manager.

Each party may change the address for notice to it by giving notice of such change at the last address designated in accordance with this paragraph.

### **CONSTRUCTION AND SEVERABILITY**

If any clause or provision of this Agreement is held invalid, illegal or unenforceable under present or future federal, state or local laws, then and in that event it is the intent of Parties hereto that such invalidity, illegality or unenforceability shall not affect any other clause or provision hereof and that the remainder of this Agreement shall be construed as if such invalid, illegal or unenforceable clause or provision was never contained herein. It is also the intent of Parties hereto that in lieu of each clause or provision of this Agreement that is invalid, illegal, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

### **UNINTENDED OMISSION**

If any punctuation, word, clause, sentence or provision necessary to give meaning, validity or effect to any other word, clause, sentence or provision appearing in this Agreement shall be omitted herein, then it is hereby declared that such omission was unintentional and that the omitted punctuation, word, clause, sentence or provision shall be supplied by inference.

### **AMENDMENT**

This Agreement may not be amended or terminated except by the consent of all parties and an instrument signed by all parties to this Agreement and subject to any PUC approval.

### **PARTIES' REPRESENTATIONS**

This Agreement has been jointly negotiated by Pflugerville and Manville and will not be construed against



a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.

#### **ENTIRE AGREEMENT**

This Agreement reflects the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties, pertaining to this particular CCN transfer, in connection herewith.

#### **COUNTERPARTS**

This Agreement may be executed in multiple counterparts. Each of the counterparts will be deemed an original instrument, but all of the counterparts will constitute one and the same instrument. This Agreement may be executed in any number of counterparts and by different Parties in separate counterparts, each of which when so executed and delivered, will be deemed an original, and all of which, when taken together, will constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this Agreement by electronic mail will be as effective as delivery of a manually executed counterpart of this Agreement, except that any Party delivering an executed counterpart of this Agreement by electronic mail also must deliver a manually executed counterpart of this Agreement.

#### **CAPTIONS**

All captions used herein are only for the convenience of reference and will not be construed to have any effect or meaning as to the Agreement between Parties hereto.

#### **NON-WAIVER**

No course of dealing on the part of Pflugerville or Manville nor any failure or delay by Pflugerville or Manville in exercising any right, power, or privilege under this Agreement will operate as a waiver of any right, power or privilege owing under this Agreement.

#### **SPECIFIC PERFORMANCE**

The Parties hereto agree that irreparable damage would occur in the event that any of the provisions of this Agreement were not performed in accordance with their specific terms or were otherwise breached. It is accordingly agreed that the Parties shall be entitled to an injunction or injunctions to prevent breaches of this Agreement and to enforce specifically the terms and provisions hereof, this being in addition to any other remedy to which the Parties are entitled at law or in equity.

#### **LEGAL AUTHORITY**

The person executing this Agreement on behalf of Pflugerville and Manville, represent, warrant, assure and guarantee that they have full legal authority to (i) execute this Agreement on behalf of Pflugerville and Manville, respectively, and (ii) to bind Pflugerville and Manville to all of the terms, conditions, provisions, and obligations herein contained.

#### **VENUE**


Any legal action or proceeding brought or maintained, directly or indirectly, as a result of this Agreement will be heard and determined in Travis County, Texas.

**EFFECTIVENESS**


This Agreement shall become effective immediately following the execution by Manville Water Supply Corporation, and approval by the City of Pflugerville City Council.

In Witness Whereof, the parties have caused this Agreement to be executed as follows:

**MANVILLE WATER SUPPLY CORPORATION**

By: 

Jack Atterstrom, President

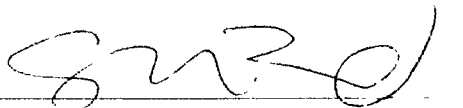
Attest: 

Name: Roxanne B. Hinton

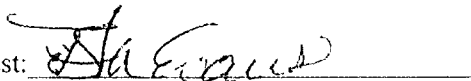
Title: Assistant General Manager

Date: 1-14-2021

**CITY OF PFLUGERVILLE**

By: 

Sereniah Breland, City Manager

Attest: 

~~Karen Thompson~~, City Secretary

Trista Evans, Deputy

Date: 1/13/2021

**READ, ACKNOWLEDGED AND  
AGREED TO BY:**

**BLD VOHL 6A-1, LLC,**  
a Texas limited liability company

By: LD Equity, LLC,  
a Texas limited liability company  
Its: Sole Member and Manager

By: UMTH Land Development, L.P.  
Its: Manager

By: UMT Services, Inc.  
Its: General Partner

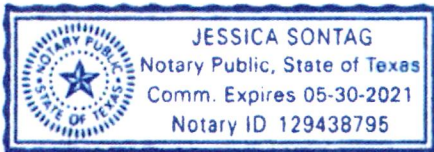
By: [Signature]  
Name: Jim Kenney  
Its: Vice President

Date of Execution: 12/21/20

STATE OF TEXAS §  
COUNTY OF Tarrant §

This instrument was acknowledged before me this 21<sup>st</sup> day of December, 2020 by Jim Kenney, Vice President of UMT Services, Inc., a Delaware corporation, the General Partner and on behalf of UMTH Land Development, L.P., a Delaware limited partnership, the Manager and on behalf of LD Equity, LLC, a Texas limited liability company, the Sole Member and Manager and on behalf of BLD VOHL 6A-1, LLC, a Texas limited liability company, on behalf of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21<sup>st</sup> day of December 2020.



My Commission Expires:  
5/30/21

Jessica Sontag  
Notary Public  
Jessica Sontag  
Print name of Notary

**READ, ACKNOWLEDGED AND  
CONSENTED TO BY:**

**NORTHEAST TRAVIS COUNTY UTILITY DISTRICT**

c/o Law Offices of Ronald Freeman

102 N. Railroad Avenue

Pflugerville, Texas 78990

By: [Signature]

Name: KC Willis

Title: Vice President

State of Texas §

County of TRAVIS §

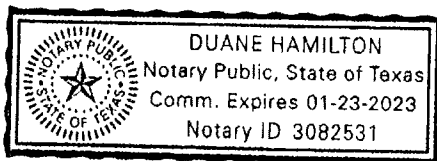
This instrument was acknowledged before me on this 12<sup>th</sup> day of JANUARY, 2021 by KC WILLIS, with a title of VICE PRESIDENT for Northeast Travis County Utility District.

Date: JANUARY 12<sup>th</sup> 2021

[Signature]

Notary Public, State of Texas

My Commission expires: 01/23/23





**EXHIBIT A**  
**BLD Property – Legal Description**

Tract 1: Approximately 1.724 acres of land located in Travis County, Texas, more particularly described on Exhibit A-1 attached hereto and incorporated herein for all purposes.

Tract 2: Approximately 2.84 acres of land located in Travis County, Texas, more particularly described on Exhibit A-2 attached hereto and incorporated herein for all purposes.

Tract 3: Approximately 0.500 acres of land located in Travis County, Texas, more particularly described on Exhibit A-3 attached hereto and incorporated herein for all purposes.

Tract 1, Tract 2, and Tract 3 are collectively referred to herein as the “BLD Property” as shown on Exhibit A-4 attached hereto and incorporated herein for all purposes.

**EXHIBIT A-1**

**TRACT 1**

**METES AND BOUNDS DESCRIPTION  
OF 1.724 ACRES OF 1 AND  
IN THE EDWARD FLINT SURVEY NO. 11, A-277  
TRAVIS COUNTY, TEXAS**

All that certain 1.724 acres of land, out of Lot 2, the Bratcher Subdivision according to the plat thereof recorded under Volume 90, Page 142, in the Plat Records of Travis County, Texas, which is the same tract listed in the deed from Robert Sheehan, et ux to Lennar Homes of Texas Land and Construction, Ltd. recorded under File No. 2002118294, in the Official Public Records of Travis County, Texas, in the Edward Flint Survey No 11, A-277, Travis County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System - Central Zone)

**BEGINNING** at a 1/2" iron rod found for the northwest corner of said Lot 2, common to the most northerly northeast corner of Lot 1, of said Bratcher Subdivision and the northwest corner of the herein described tract, in the south right-of-way line of Kelly Lane (60' R.O.W.),

**THENCE** South 63°03'47" East - 221.45', along said south right-of-way line, to a 1/2" iron rod set for the west end of the southwest right-of-way cutback curve at the intersection of said Kelly Lane and Hidden Lake Drive - common to a point on a curve to the right, having a central angle of 90°59'33" - a radius of 25.00' - and from which point the center of the circle of said curve bears South 26°55'41" West,

**THENCE** along said curve to the right, along said southwest right-of-way cutback curve, in a southeasterly direction, an arc distance of 39.70' to a 1/2" iron rod set for the south end of said southwest right-of-way cutback curve, in the west right-of-way line of said Hidden Lake Drive (90' R.O.W.),

**THENCE** South 27°54'50" West - 160.03', along said west right-of-way line, to a 1/2" iron rod set for the Point of Curvature of a curve to the left, having a central angle of 07°02'07", and a radius of 1045.00',

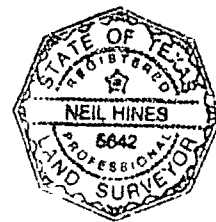
**THENCE** along said curve to the left, in a southerly direction, an arc distance of 128.31', to a 1/2" iron rod found for the northeast corner of the 8.378 acre tract described in the deed from Lennar Homes of Texas Land and Construction, Ltd. to Northeast Travis County Utility District recorded under Document No. 2005081202, in the Official Public Records of Travis County, Texas, common to the southeast corner of the herein described tract,

**THENCE** North 60°02'41" West - 249.68', along the north line of said 8.378 acre tract - to a 1/2" iron rod found for the northwest corner of said 8.378 acre tract, common to the southwest corner of the herein described tract, in an east line of aforesaid Lot 1, common to the west line of aforesaid Lot 2

**THENCE** North 26°55'25" East - 300.39', along said common line, to the **POINT OF BEGINNING** of the herein described tract and containing 1.724 acres of land

Prepared by  
PATE SURVEYORS  
a division of  
Pate Engineers, Inc.  
Job No. 1104-005-26-A520

*Neil Hines*  
Certification Date  
April 20, 2006



THIS LEGAL DESCRIPTION IS ISSUED AS "PART TWO" IN CONJUNCTION WITH THE LAND TITLE SURVEY BY PATE SURVEYORS LAST CERTIFIED, APRIL 20, 2006. REFERENCE IS HEREBY MADE TO THE SURVEY AS "PART ONE"

## **EXHIBIT A-2**

### **TRACT 2**

#### **METES AND BOUNDS DESCRIPTION OF 2.840 ACRES OF LAND IN THE EDWARD FLINT SURVEY NO. 11, A-277 TRAVIS COUNTY, TEXAS**

All that certain 2.840 acres of land, out of the 10.836 acre tract described in the deed from Melissa Biggs, et vir to Lennar Homes of Texas Land and Construction, Ltd. recorded under Document No. 2002118293, in the Official Public Records of Travis County, Texas, and out of Lot 2, Bratcher Subdivision according to the plat thereof recorded under Volume 90, Page 142, in the Plat Records of Travis County, Texas, which is the same tract listed in the deed from Robert Sheehan, et alx to Lennar Homes of Texas Land and Construction, Ltd. recorded under Document No. 2002118294, in the Official Public Records of Travis County, Texas, in the Edward Flint Survey No. 11, A-277, Travis County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, Central Zone)

**COMMENCING** at a 1/2" iron pipe found for the northeast corner of the 75' x 75' Sprint PCS Cellular Site described in the PCS Site Agreement recorded under Document No. 2003111639, in the Official Public Records of Travis County, Texas, common to the northwest corner of 9.999 acre tract described in the deed from Fritz F. Hodde, et alx to C. Hardin Camp, II, et alx recorded under Document No. 2001163384, in the Official Public Records of Travis County, Texas, in the south right-of-way line of Kelly Lane (60' R.O.W.) THENCE South 26°56'25" West - 75.13' to a 1/2" iron rod set for the most easterly northeast corner and **POINT OF BEGINNING** of the herein described tract, common to the southeast corner of said 75' x 75' Sprint PCS Cellular Site

**THENCE** South 26°56'25" West - 127.21', along the east line of aforesaid 10.836 acre tract, common to the west line of said 9.999 acre tract, to a 1/2" iron rod found for the northeast corner of the 0.5000 acre tract described in the deeds from Lennar Homes of Texas Land and Construction, Ltd. to James S. Driscoll, John A. Pfleger, John Wilder, K.C. Wilds, Joann McKenzie, and Ter-Bul Hiddenlake, et alx, Ltd. recorded under Document Nos. 2006039048, 2006039049, 2006039049, 2006039051, 2006055335, and 2006051376, in the Official Public Records of Travis County, Texas, common to the southeast corner of the herein described tract,

**THENCE** North 40°43'29" West - 269.76', along the north line of said 0.5000 acre tract, to a 1/2" iron rod found for an angle corner of said 0.5000 acre tract, common to an angle corner of the herein described tract

**THENCE** North 58°08'10" West - 140.67', continuing along said north line to a 1/2" iron rod found for the northwest corner of said 0.5000 acre tract, in the east right-of-way line of Hidden Lake Drive (90' R.O.W.), common to a point on a curve to the right, having a central angle of 06°03'56", a radius of 955.06', and from which point the center of the circle of said curve bears South 68°09'05" East,

**THENCE** along said curve to the right along said east right-of-way line, in a northerly direction an arc distance of 101.10' to a 1/2" iron rod found for the end of curve,

**THENCE** North 27°54'50" East - 162.42', continuing along said east right-of-way line, to a 1/2" iron rod set for the south end of the southeast right-of-way cutback curve at the intersection of aforesaid Hidden Lake Drive and a corner Kelly Lane, common to a point on a curve to the right, having a central angle of 89°01'02", a radius of 25.60', and from which point the center of the circle of said curve bears South 62°05'19" East,

Page 2 - 2.840 Acres

**THENCE** along said curve to the right, along said southeast cutback curve, in a northeasterly direction, an arc distance of 38.84' to a 1" iron rod set for the east end of said southeast cutback curve, in the south right-of-way line of said Kelly Lane.

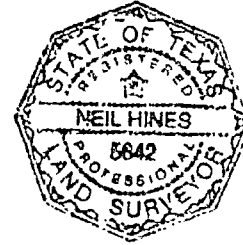
**THENCE** South 63°03'47" East - 57.42', along said south right-of-way, to a 1/2" iron pipe found for an angle corner;

**THENCE** South 63°01'14" East - 233.11', continuing along said south right-of-way line, to a 1/2" iron rod found for the northwest corner of aforesaid 75' x 75' Sprint PCS Cellular Site, common to the most northerly northeast corner of the herein described tract;

**THENCE** South 26°58'19" West - 75.05', along the west line of said 75' x 75' Sprint PCS Cellular Site, to a 1/2" iron rod found for the southwest corner of said 75' x 75' Sprint PCS Cellular Site, common to an angle corner of the herein described tract.

**THENCE** South 62°57'31" East - 75.06', along the south line of said 75' x 75' Sprint PCS Cellular Site, to the **POINT OF BEGINNING** of the herein described tract and containing 2.840 acres of land

Prepared by:  
PATE SURVEYORS  
a division of  
Pate Engineers, Inc.  
Job No. 1104-005-26-A520



*Neil Hines*  
Certification Date \_\_\_\_\_  
April 20, 2006

THIS LEGAL DESCRIPTION IS ISSUED AS "PART TWO", IN CONJUNCTION WITH THE LAND TITLE SURVEY BY PATE SURVEYORS LAST CERTIFIED, APRIL 20, 2006. REFERENCE IS HEREBY MADE TO THE SURVEY AS "PART ONE".



**EXHIBIT A-3**

**TRACT 3  
METES AND BOUNDS DESCRIPTION  
OF 0.500 ACRE OF LAND  
IN THE EDWARD FLINT SURVEY NO. 11, A-277  
TRAVIS COUNTY, TEXAS**

All that certain 0.500 acre of land, out of the 10.836 acre tract described in the deed from Melissa Biggs, et vir to Lennar Homes of Texas Land and Construction, Ltd. Recorded under Document No. 2002118293, in the Official Public Records of Travis County, Texas, and out of Lot 2, Bratcher Subdivision, according to the plat thereof recorded under Volume 90, Page 142, in the Plat Records of Travis County, Texas, which is the same tract described in the deed from Robert Sheehan, et ux to Lennar Homes of Texas Land and Construction, Ltd. recorded under Document No. 2002118294 in the Official Public Records of Travis County, Texas, in the Edward Flint Survey No II, A-277, Travis County, Texas and more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System Central Zone).

**BEGINNING** at a ½" iron rod found for the northeast corner of the 3.942 acre tract described in the deed from Lennar Homes of Texas Land and Construction, Ltd. to Northeast Travis County Utility District recorded under Document No. 2005081202, in the Official Public Records of Travis County, Texas, common to the southeast corner of the herein described tract, in the west line of the 9.9999 acre tract described in the deed from Fritz E Hodde, et ux to C Hardin Camp, II, et ux recorded under Document No. 2001163384, in the Official Public Records of Travis County, Texas;

**THENCE** North 27°14'11" West - 310.91' along the north line of said 3.942 acre tract, to a ½" iron rod found for an angle corner of said 3.942 acre tract, common to an angle corner of the herein described tract;

**THENCE** North 58°08'11" West - 134.88', continuing along said north line to a ½" iron rod found for the northwest corner of said 3.942 acre tract, common to the southwest corner of the herein described tract, in the east right-of-way line of Hidden Lake Drive (90' R.O.W) recorded under Document No. 2003061165, in the Official Public Records of Travis County, Texas, and common to a point on a curve to the right, having a central angle of 01°50'00", a radius of 955.00', and from which point the center of the circle of said curve bears South 69°59'05" East;

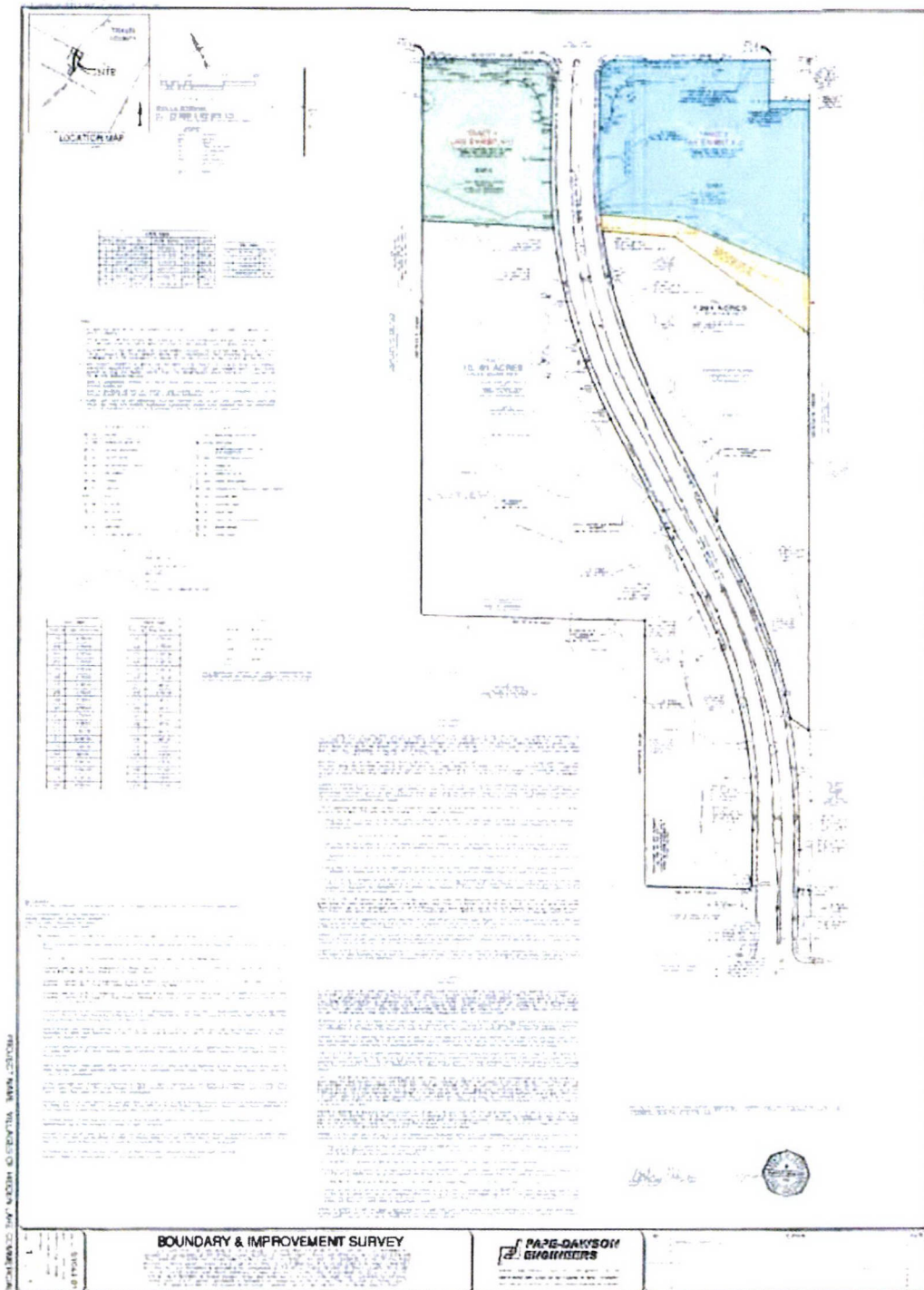
**THENCE** along said curve to the right, along said east right-of-way line, in a northerly direction, an arc distance of 30.56' to a ½" iron rod set for the northwest corner of the herein described tract;

**THENCE** South 58°08'11" East - 140.67' to ½" iron rod set for an angle corner of the herein described tract;

**THENCE** South 40°43'29" East - 269.76' to a ½" iron rod set for the northeast corner of the herein described tract, in the west line of afore said 9.999 acre tract from which a ½" iron pipe found for the northeast corner of the 75' x 75' Sprint PCS Cellular Site described in the PCS Site Agreement recorded under Document No. 2001111639, in the Official Public Records of Travis County, Texas, common to the northwest corner of said 9.999 acre tract, in the south right-of-way line of Kelley Lane (60' R.O.W), bears North 26°56'25" East - 402.34';

**THENCE**, South 26°56'25" West - 109.35', along said west line, to the **POINT OF BEGINNING** of the herein described tract and containing 0.5000 acre of land.

# EXHIBIT A-4



**AFFIDAVIT OF KAREN THOMPSON**

THE STATE OF TEXAS

§

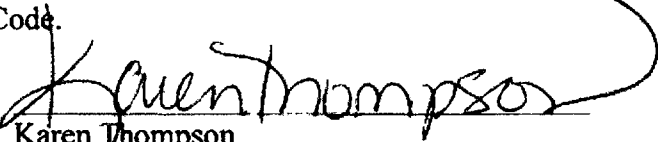
§

COUNTY OF TRAVIS

§

Before me, the undersigned authority, personally appeared KAREN THOMPSON who, being duly sworn, deposed, and said:

1. My name is Karen Thompson. I am of sound mind, capable of making this affidavit, and have personal knowledge of the facts stated, which are all true and correct.
2. I am the City Secretary and records custodian of the City of Pflugerville, Texas, and as such, I am the custodian of the records attached to this affidavit.
3. The records attached to this affidavit as attachments #1 and #2 are copies of the January 12, 2021 Agenda with corresponding minutes, consisting of 18 pages and are kept by the City of Pflugerville, Texas in the regular course of its business. It was the regular course of that business for an employee or representative of the business with knowledge of the act, event, condition, or opinion recorded to make the record or to transmit information thereof to be included in such record. The record was made at or near the time of the act, event, condition, or opinion recorded, or reasonably soon thereafter. The attached records are the originals or exact duplicates of the originals.
4. As part of my duties as City Secretary, as set forth in attachment #1 of this affidavit, I certify that a copy of the Agenda for the January 12, 2021, City of Pflugerville Regular City Council Meeting was posted on January 8, 2021 at 5:00 p.m., pursuant to Section 551.041, of the Texas Government Code.



Karen Thompson  
City Secretary  
City of Pflugerville, Texas

SUBSCRIBED AND SWORN before me on the 9 day of February, 2021.

Notary in and for the State of Texas



Signature of Notary

Trista Evans

Printed Name of Notary



**EXHIBIT "C"**



**City of Pflugerville**  
**Meeting Agenda - Final**  
**City Council**

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Tuesday, January 12, 2021

7:00 PM

100 East Main Street, Suite 500

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**Regular Meeting (Telephone/Video Conference)**

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, the City Council will conduct this Regular Meeting by telephone/video conference in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the COVID-19. There will be no public access to the location described above.

This Regular Meeting Agenda, and the Agenda Packet, are posted online at <https://pflugerville.legistar.com>

This telephonic/video meeting will be hosted through WebEx.

Meeting Link: [https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?](https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?MTID=e31c1325030bbf5d93b849e51e796b692)

MTID=e31c1325030bbf5d93b849e51e796b692

Meeting Code/Number: 146 525 2943

Dial-in number: (US toll): = 1-408-418-9388

Public comment under Public Hearing items will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers under Public Hearing items must register to speak at least 2 hours in advance of the Regular Meeting. Speakers must call in at least 15 minutes prior to the start of the Regular Meeting in order to speak. Written comments may also be submitted 2 hours in advance of the meeting.

Public comment on all items other than Public Hearing items will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers must register to speak at least 2 hours in advance of the Regular Meeting. Public comment on all items other than Public Hearing items will occur under the Public Comment item. Speakers must call in at least 15 minutes prior to the start of the Regular Meeting in order to speak. Written comments may also be submitted 2 hours in advance of the meeting.

To register to speak or to submit written comments, please email [citysecretary@pflugervilletx.gov](mailto:citysecretary@pflugervilletx.gov) at least 2 hours in advance of the Regular Meeting. Name and address must be included. Written comments are limited to 250 words.

A recording of the telephone/video meeting will be made, and will be available to the public upon written request.

The meeting will be available live for viewing on PFTV on the City website:  
<https://www.pflugervilletx.gov/city-government/communications/pftv>



**1. Call to order****2. Items of Community Interest**

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without having given notice of the subject of the announcement. "Items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

**3. Presentation**

- 3A. 2021-0032** Presentation by Focused Advocacy regarding the 87th Legislative Session and Pflugerville Legislative Agenda.

**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.

**5. Public Hearing and Resolution**

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 5A. RES-0806** Conduct a public hearing and consider approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas, electing to become eligible to participate in tax abatement under Texas Tax Code, Chapter 312 and adopting Tax Abatement Guidelines.

**6. Public Hearing**

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 6A. ORD-0561** Conduct the second public hearing regarding an annexation ordinance with

the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 5.205 acres situated in the Joseph Wiehl Survey No. 8, Abstract No. 802, Travis County, Texas, of the Real Property Records of Travis County, being one tract of land totaling 4.724 acres and the second tract of land totaling 0.481 acres representing the abutting Jesse Bohls Road right-of-way; generally located along the west side of Weiss Lane at the intersection of Jesse Bohls Road; extending the boundaries of the City to include land; and to be zoned Agriculture / Development Reserve (A); to be known as the 17705 Weiss Lane 2021 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date.

## **7. Public Hearing and Ordinance First Reading**

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 7A. ORD-0560** Conduct a public hearing and consider approving the first reading of an ordinance with a caption reading: An Ordinance of the City of Pflugerville, Texas, amending Ordinance NO. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of approximately 15 acres, of unplatted land situated in the E Kirkland Survey, abstract NO. 458, in Travis County, Texas, from Agriculture/Development Reserve (A) District to Urban Level 4 (CL-4) District; to be known as the Tacara at Weiss Ranch Rezoning (REZ2009-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. (Located at the southwest corner of Weiss Lane and Pflugerville Parkway)

## **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 will be heard under the public comment item. Each person providing public comment will be limited to 3 minutes.

## **8. Ordinances Second Reading**

- 8A. ORD-0556** Approving an annexation ordinance on second reading as amended with the caption reading: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, a tract of land totaling approximately 33.0 acres of land situated in the T.S. Barnes Survey No. 46, Abstract No. 67, in Travis County, Texas, of the Real Property Records of Travis County, generally located south of E. Pecan Street and west of SH 130; extending the boundaries of the City to include the land; and to be zoned Agriculture / Development Reserve (A); to be known as the RNDC 2020 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing

an effective date. (ANX2011-01)

- 8B. ORD-0558** Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville amending Section 1 for General Provisions to the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; containing a severability clause; and providing for publication and an effective date.

## **9. Approval of Minutes**

- 9A. 2021-8895** Approval of the minutes of the December 8, 2020 Worksession and Regular Meeting, December 15, 2020 Special Meeting, December 17, 2020 Worksession and Joint Meeting with Charter Review Commission.

## **10. Resolutions**

- 10A. RES-0811** Approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment, and release of existing wastewater easements granted to the City by easements recorded in Travis County Real Property Records, Document No. 2017079209 and 2017079211. (Located in Sorento Phase 6 near Aventura Avenue)
- 10B. RES-0812** Approving a resolution with the caption reading: Resolution of the City of Pflugerville authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with Willard Hebbe, individually and as executor of the Estate of Julia Hebbe, Russell H. Kuempel, Melanie E. Samuelson, Marilyn L. Smith, Nancy T. Robertson, Roberta Blumberg Kuempel, David K. Johnson, Mary K. Johnson Hackerman, and Diane R. Johnson (landowners), providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 96.341 acres situated in the William Caldwell Survey No. 66, Abstract No. 162, Travis County, Texas, within the City's extraterritorial jurisdiction. (Located on the north side of Cameron Road, approximately a quarter of a mile west of 1849 Park)
- 10C. RES-0814** Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas approving the petition for exclusion of land from New Sweden Municipal Utility District No. 1.

## **11. Other Actions**

- 11A. 2021-0001** Review of the quarterly investment reports for the 2nd, 3rd and 4th quarters of FY20.
- 11B. 2021-0008** Approving a professional services agreement with Parker's Choice Consulting in the amount of \$294,500.00 for the second phase of the Wireless Master Plan and authorizing the City Manager to execute said

agreement.

- 11C.** 2021-0009 Approving the Mayor's appointment of Mark Lee to the Personnel Appeal Board for a three-year term ending December 31, 2023.
- 11D.** 2021-0026 Approving Work Authorization No. 2020-6 with Seven Arrows Land Staff, LLC. in the amount of \$78,750.00 for right-of-way services for the Sorento Wastewater Interceptor Phase 2 project.
- 11E.** 2021-8912 Authorizing the City Manager to enter into a Cost-Share Agreement with the Lower Colorado River Authority (LCRA) in the amount of \$100,000 to be used for the forthcoming Advanced Metering Infrastructure (AMI) Installation capital improvement project.
- 11F.** 2021-0041 Accepting a donation of right of way at the southeast corner of Pfluger Farm Lane and Town Center Drive and authorizing the City Manager to execute necessary documents.
- 11G.** 2021-8849 Approving a Development Agreement by and between the City of Pflugerville and BLD VOHL 6A-1, LLC associated with 5.06 acres of land along Hidden Lake Blvd at Kelly Lane.
- 11H.** 2021-8915 Approving an agreement with Manville Water Supply Corporation titled Retail Water Certificate of Convenience and Necessity Service Area Transfer Agreement Between City of Pflugerville and Manville Water Supply Corporation and authorizing the City Manager to execute same.
- 11I.** 2021-0012 Approving an Economic Development Performance Agreement between Pflugerville Community Development Corporation, a Texas Type B Economic Development Corporation ("PCDC") and Walker Engineering, Inc., a Texas corporation (Project Devise), not to exceed \$40,000, for the purpose of primary jobs.

## **Action on the Consent Agenda**

### **12. Resolutions**

- 12A.** RES-0813 Discuss and consider action to approve a resolution with the caption reading: A resolution of the City Council of the City of Pflugerville, Texas adopting a Vision Statement and Guiding Principles for the Aspire Pflugerville 2040 Comprehensive Plan.
- 12B.** RES-0821 Discuss and consider action on a Resolution consenting to creation of the proposed Travis County Emergency Services District No. 17.

### **13. Discuss and consider action**

- 13A.** 2021-0025 Discuss and consider action to approve a Professional Services Supplemental Agreement with LJA Engineering, Inc., for professional

engineering services associated with the East Pflugerville Parkway Extension east of Weiss Lane to the City's eastern city limits in the amount of \$355,494.75.

**13B. 2021-8843**

Discuss and consider action to approve a professional services agreement with Kimley-Horn in the amount of \$349,995.80 for professional engineering services associated with the Pfluger Farm Lane North project and authorizing the City Manager to execute the same.

**14. 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.

Sereniah Breland, City Manager

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 January 8, 2021 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 contact Ali Abdelfattah, Americans with Disabilities Act (ADA) Coordinator, at [alia@pflugervilletx.gov](mailto:alia@pflugervilletx.gov) or 512-990-6300 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.





# **City of Pflugerville**

## **Minutes - Final - Final**

### **City Council**

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Tuesday, January 12, 2021

7:00 PM

100 East Main Street, Suite 500

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#### **Regular Meeting (Telephone/Video Conference)**

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, the City Council will conduct this Regular Meeting by telephone/video conference in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the COVID-19. There will be no public access to the location described above.

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This telephonic/video meeting will be hosted through WebEx.  
Meeting Link: <https://pflugervilletx.webex.com/pflugervilletx/onstage/g.php?MTID=e31c1325030bbf5d93b849e51e796b692>  
Meeting Code/Number: 146 525 2943

Dial-in number: (US toll): = 1-408-418-9388

Public comment under Public Hearing items will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers under Public Hearing items must register to speak at least 2 hours in advance of the Regular Meeting. Speakers must call in at least 15 minutes prior to the start of the Regular Meeting in order to speak. Written comments may also be submitted 2 hours in advance of the meeting.

Public comment on all items other than Public Hearing items will be allowed via telephone/video conference at the Regular Meeting scheduled to begin at 7:00 p.m. All speakers must register to speak at least 2 hours in advance of the Regular Meeting. Public comment on all items other than Public Hearing items will occur under the Public Comment item. Speakers must call in at least 15 minutes prior to the start of the Regular Meeting in order to speak. Written comments may also be submitted 2 hours in advance of the meeting.

To register to speak or to submit written comments, please email [citysecretary@pflugervilletx.gov](mailto:citysecretary@pflugervilletx.gov) at least 2 hours in advance of the Regular Meeting. Name and address must be included. Written comments are limited to 250 words.

A recording of the telephone/video meeting will be made, and will be available to the public upon written request.

The meeting will be available live for viewing on PfTV on the City website:  
<https://www.pflugervilletx.gov/city-government/communications/pftv>

## 1. Call to order

Mayor Victor Gonzales called the regular meeting to order at 7:00 p.m. The meeting was held by telephone/video conference. Mayor Pro Tem Omar Peña and Councilmembers Doug Weiss, Ceasar Ruiz, Rudy Metayer, and Mike Heath were in attendance. Councilmember David Rogers entered the meeting at 7:01 p.m. City employees attending: Sereniah Breland, City Manager; Robyn Katz, Assistant City Attorney; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Karen Thompson, City Secretary; Emily Barron, Planning and Development Services Director; Melissa Neel, Finance Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Cody Collins, IT Director; Patricia Davis, City Engineer; Brandon Pritchett, Utilities Director; Jennifer Grizwold, Library Director; Jessica Robledo, Police Chief; Jason Smith, Assistant Police Chief; Gwen Holford, Application and Web Developer; and Wade Maness, Videography Multimedia Specialist.

## 2. Items of Community Interest

Mayor Gonzales announced that the Pflugerville free COVID-19 testing site is going to appointment-only tomorrow. He stated that the Parks and Recreation guide is available online and the Travis Central Appraisal District has setup a helpline and webinar series to help property owners file for homestead exemptions.

## 3. Presentation

- 3A. 2021-0032 Presentation by Focused Advocacy regarding the 87th Legislative Session and Pflugerville Legislative Agenda.

Brandon Aghamalian, Andrew Keefer and Snapper Carr, Focused Advocacy, were in attendance. Mr. Aghamalian presented on the item. Mr. Aghamalian and Mr. Keefer answered questions of Council. There was discussion on the item.

## 4. Public Comment

Mayor Gonzales stated that registration for public comment was taken until 5:00 p.m. today and that several written comments and requests to speak were received on item 12B. He indicated that he would take those under the item later in the meeting. He stated that there were no additional requests for public comment.

## 5. Public Hearing and Resolution

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 5A. RES-0806 Conduct a public hearing and consider approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas, electing to become eligible to participate in tax abatement under Texas Tax Code, Chapter 312 and adopting Tax Abatement Guidelines.

Mayor Gonzales opened the public hearing and consideration on the resolution. Ms. Neel provided information. Mayor Gonzales stated that registration to provide public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to provide comment at the public hearing. Ms. Neel answered additional questions of Council. Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Weiss seconded the motion. All present voted in favor. Mr. Heath had stepped away and was absent from the vote. The motion carried.

Mayor Pro Tem Peña made a motion to approve the resolution. Mr. Rogers seconded the motion. All were present and voted in favor. The motion carried.

## 6. Public Hearing

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 6A. ORD-0561 Conduct the second public hearing regarding an annexation ordinance with the caption: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, tracts of land totaling approximately 5.205 acres situated in the Joseph Wiehl Survey No. 8, Abstract No. 802, Travis County, Texas, of the Real Property Records of Travis County, being one tract of land totaling 4.724 acres and the second tract of land totaling 0.481 acres representing the abutting Jesse Bohls Road right-of-way; generally located along the west side of Weiss Lane at the intersection of Jesse Bohls Road; extending the boundaries of the City to include land; and to be zoned Agriculture / Development Reserve (A); to be known as the 17705 Weiss Lane 2021 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations of the City; approving a service plan; providing for severability; and providing an effective date.

Mayor Gonzales opened the public hearing. Ms. Barron provided information and answered questions of Council and provided a timeline on the annexation. Mayor Gonzales stated that registration to provide public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to provide comment at the public hearing. Mayor Pro Tem Peña made a motion to close the public hearing. Mr. Heath seconded the motion. All voted in favor. The motion carried.

## 7. Public Hearing and Ordinance First Reading

Each person providing public comment at a public hearing will be limited to 3 minutes.

- 7A.**    ORD-0560            Conduct a public hearing and consider approving the first reading of an ordinance with a caption reading: An Ordinance of the City of Pflugerville, Texas, amending Ordinance NO. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of approximately 15 acres, of unplatted land situated in the E Kirkland Survey, abstract NO. 458, in Travis County, Texas, from Agriculture/Development Reserve (A) District to Urban Level 4 (CL-4) District; to be known as the Tacara at Weiss Ranch Rezoning (REZ2009-01); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. (Located at the southwest corner of Weiss Lane and Pflugerville Parkway)

Mayor Gonzales read the item to include the caption of the ordinance under consideration and opened the public hearing. Ms. Barron provided information and answered questions of Council. Paul Linehan, representing the applicant, also provided information and answered questions of Council. He indicated plans to do a mixed-use development and that they took a special use permit to Planning and Zoning last week and would be submitting a preliminary plan on February 1, 2021. Ms. Barron answered additional questions of Council.

Mayor Gonzales stated that registration to provide public comment at the public hearing had been taken until 5:00 p.m. today and there were no requests to provide comment at the public hearing. Mr. Rogers made a motion to close the public hearing. Mr. Metayer seconded the motion. All voted in favor. The motion carried.

Mr. Heath made a motion to approve the ordinance on first reading. Mr. Metayer seconded the motion. The vote was: Mr. Weiss-yes, Mr. Ruiz-yes, Mayor Pro Tem Peña-no, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-yes, Mayor Gonzales-yes. The motion carried.

## Reading of the Consent Agenda

Item 10C was removed from the consent agenda. Ms. Thompson read the items to include the captions of the ordinances under consideration.

## 8. Ordinances Second Reading

- 8A.**    ORD-0556            Approving an annexation ordinance on second reading as amended with the caption reading: An ordinance of the City of Pflugerville, Texas, annexing, for full purposes, a tract of land totaling approximately 33.0 acres of land situated in the T.S. Barnes Survey No. 46, Abstract No. 67, in Travis County, Texas, of the Real Property Records of Travis County, generally located south of E. Pecan Street and west of SH 130; extending the boundaries of the City to include the land; and to be zoned Agriculture / Development Reserve (A); to be known as the RNDC 2020 Annexation; binding the land to all of the acts, ordinances, resolutions and regulations

of the City; approving a service plan; providing for severability; and providing an effective date. (ANX2011-01)

The ordinance was approved as amended on second reading on the consent agenda. A third reading will be required for final approval.

**8B. ORD-0558**

Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville amending Section 1 for General Provisions to the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; containing a severability clause; and providing for publication and an effective date.

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

**9. Approval of Minutes**

**9A. 2021-8895**

Approval of the minutes of the December 8, 2020 Worksession and Regular Meeting, December 15, 2020 Special Meeting, December 17, 2020 Worksession and Joint Meeting with Charter Review Commission.

The minutes were approved on the consent agenda.

**10. Resolutions**

**10A. RES-0811**

Approving a resolution with the caption reading: Resolution of the City of Pflugerville, Texas authorizing the vacation, abandonment, and release of existing wastewater easements granted to the City by easements recorded in Travis County Real Property Records, Document No. 2017079209 and 2017079211. (Located in Sorento Phase 6 near Aventura Avenue)

The resolution was approved on the consent agenda.

**10B. RES-0812**

Approving a resolution with the caption reading: Resolution of the City of Pflugerville authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with Willard Hebbe, individually and as executor of the Estate of Julia Hebbe, Russell H. Kuempel, Melanie E. Samuelson, Marilyn L. Smith, Nancy T. Robertson, Roberta Blumberg Kuempel, David K. Johnson, Mary K. Johnson Hackerman, and Diane R. Johnson (landowners), providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 96.341 acres situated in the William Caldwell Survey No. 66, Abstract No. 162, Travis County, Texas, within the City's extraterritorial jurisdiction. (Located on the north side of Cameron Road, approximately a quarter of a mile west of 1849 Park)

The resolution was approved on the consent agenda.

**11. Other Actions**

- 11A. 2021-0001** Review of the quarterly investment reports for the 2nd, 3rd and 4th quarters of FY20.  
The item was approved on the consent agenda.
- 11B. 2021-0008** Approving a professional services agreement with Parker's Choice Consulting in the amount of \$294,500.00 for the second phase of the Wireless Master Plan and authorizing the City Manager to execute said agreement.  
The item was approved on the consent agenda.
- 11C. 2021-0009** Approving the Mayor's appointment of Mark Lee to the Personnel Appeal Board for a three-year term ending December 31, 2023.  
The item was approved on the consent agenda.
- 11D. 2021-0026** Approving Work Authorization No. 2020-6 with Seven Arrows Land Staff, LLC. in the amount of \$78,750.00 for right-of-way services for the Sorento Wastewater Interceptor Phase 2 project.  
The item was approved on the consent agenda.
- 11E. 2021-8912** Authorizing the City Manager to enter into a Cost-Share Agreement with the Lower Colorado River Authority (LCRA) in the amount of \$100,000 to be used for the forthcoming Advanced Metering Infrastructure (AMI) Installation capital improvement project.  
The item was approved on the consent agenda.
- 11F. 2021-0041** Accepting a donation of right of way at the southeast corner of Pfluger Farm Lane and Town Center Drive and authorizing the City Manager to execute necessary documents.  
The item was approved on the consent agenda.
- 11G. 2021-8849** Approving a Development Agreement by and between the City of Pflugerville and BLD VOHL 6A-1, LLC associated with 5.06 acres of land along Hidden Lake Blvd at Kelly Lane.  
The item was approved on the consent agenda.
- 11H. 2021-8915** Approving an agreement with Manville Water Supply Corporation titled Retail Water Certificate of Convenience and Necessity Service Area Transfer Agreement Between City of Pflugerville and Manville Water Supply Corporation and authorizing the City Manager to execute same.  
The item was approved on the consent agenda.



- 11I. 2021-0012 Approving an Economic Development Performance Agreement between Pflugerville Community Development Corporation, a Texas Type B Economic Development Corporation ("PCDC") and Walker Engineering, Inc., a Texas corporation (Project Devise), not to exceed \$40,000, for the purpose of primary jobs.
- The item was approved on the consent agenda.

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

Mayor Gonzales made a motion to approve the consent agenda as read. Mr. Weiss seconded the motion. All voted in favor. The motion carried.

### **Resolution - Removed from the Consent Agenda**

- 10C. RES-0814 Approving a resolution with the caption reading: A Resolution of the City of Pflugerville, Texas approving the petition for exclusion of land from New Sweden Municipal Utility District No. 1.
- Mayor Gonzales opened the item for consideration. Ms. Barron provided information. Mr. Weiss indicated that he can see no benefit in removing from the MUD. Ms. Barron stated staff recommends to not have City property in another political subdivision. Discussion followed. Mr. Fletcher stated it is the staff recommendation to have the property in the City limits and that currently it is in Travis County. Mr. Rogers stated that MUDs sometimes get involved in litigation and the City could get dragged in. He recommended to approve the resolution to exclude the land from the MUD to reduce litigation risk. Mr. Metayer made a motion to approve the resolution as presented. Mr. Rogers seconded the motion. The vote was: Mr. Weiss-no, Mr. Ruiz-yes, Mayor Pro Tem Peña-yes, Mr. Metayer-yes, Mr. Heath-yes, Mr. Rogers-yes, Mayor Gonzales-yes. The motion carried.

## **12. Resolutions**

- 12A. RES-0813 Discuss and consider action to approve a resolution with the caption reading: A resolution of the City Council of the City of Pflugerville, Texas adopting a Vision Statement and Guiding Principles for the Aspire Pflugerville 2040 Comprehensive Plan.
- Mayor Gonzales opened the item for consideration. Ms. Barron provided information on the item. Chance Sparks, Freese and Nichols, the City's consultant on the project, also provided information. Mayor Pro Tem Peña recused himself on the item due to a potential conflict of interest in that his brother in law is employed with Freese and Nichols. There was discussion. Mr. Rogers indicated concern for the relatively low number of survey responses. Mr. Sparks spoke on the response and it providing a good representation of the City. There was continued discussion. Ms. Barron stated that the Planning and Zoning Commission had reviewed and recommended approval. Mr. Weiss made a motion to approve the resolution. Mr. Metayer seconded the motion. All present voted in favor. Mayor Pro Tem Peña was absent and abstained from discussion and the vote on the item. The motion carried.

**12B. RES-0821**

Discuss and consider action on a Resolution consenting to creation of the proposed Travis County Emergency Services District No. 17.

Mayor Pro Tem Peña returned to meeting.

Mayor Gonzales opened the item for consideration. He stated that registration for public comment had been taken until 5:00 p.m. and that there were several written comments and requests to speak.

Ms. Thompson read the written comments from Janie Edwards, Commons at Rowe Lane resident; Ronald Cunningham, Meadows of Blackhawk resident; Blake Brown, Vine Creek Resident and Lauren Brown, Vine Creek Resident, in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

The following provided public comment under the item:

Barbara Newsom, Brookhollow resident, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Chris Wolff, Falcon Pointe resident, stated that he is a firefighter and paramedic and spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district. Mayor Gonzales confirmed with Mr. Wolff that he is with the Pflugerville Fire Department.

Jonathan Carroll, Ridge at Steeds Crossing resident, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Anthony Nguyen, Greenridge resident, spoke on the financials of the Travis County Emergency Services District No. 2 (ESD2) and their ability to provide services and recommended against allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Melody Ryan, Highland Park North resident, spoke on the financials of the Travis County Emergency Services District No. 2 and their ability to provide services and recommended against allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Jim McDonald, Mountain Creek resident, indicated concerns that the Travis County Commissioners Court may take action on February 9, 2021 to put the issue on the ballot and if the City does not consent, there is the possibility that it could be created without the City and the ETJ.

Trevor Stokes, Representative for Pflugerville Professional Firefighters Association, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Joshua Stubblefield, President, Pflugerville Professional Firefighters Association, spoke in support of allowing for an election for the creation of the Travis County Emergency Services District No. 17 overlay district.

Selena Xie, Austin EMS Association, provided information, stating that Pflugerville currently pays for Travis County EMS but is not using the service. She stated that they could add ALS ambulances to support Travis County ESD2, that there are solutions to be vetted. She stated that they are willing to be working partners with the ESD2.

Mr. Metayer requested an overview from Ms. Breland and she provided information. She stated that they believe there may be other options and that is why the City has issued the Request for Proposals (RFP). She stated that January 14, 2021 is the response date on the RFP. She stated that the ESD2 forecasting models and financials do not take into account increased revenues. She complimented the ESD2, stating that their response times are very impressive at 5-8 minutes. She stated that Mr. Metayer and Mr. Weiss serve as the Council Subcommittee.

Mayor Pro Tem Peña asked regarding the statement that the City would be making the decision for the ETJ (extraterritorial jurisdiction) and would be responsible to provide service in the ETJ. Mr. Metayer stated that the City would not be required to serve the ETJ. Ms. Katz confirmed that Mr. Metayer is correct, that if the ESD2 decides to cease providing service, there is no requirement for the City to provide services to the ETJ.

Mr. Heath stated that the revenues are underestimated and the costs are overestimated and there is nothing eminent to put this overlay in place. He stated that it is not prudent.

Mr. Rogers stated that he has a question for Mr. Metayer, that he has heard that if the ESD17 is approved, but not in the City, the ESD2 would not be able to provide EMS in the City. Mr. Metayer stated that is what they have been told, that they cannot have redundancy of services, but he cannot say from a legal standpoint. Mr. Metayer stated concerns for the rhetoric and stated that they need to look at the options and look for viable solutions. He stated that conversations need to take place with the City Council and the ESD2 and the Commissioners. Mr. Rogers stated that if the ESD stops providing EMS, he thinks they will have a surplus and will need to lower their taxes.

Mr. Metayer reassured citizens they will have services, that the process on how to get there is what they are trying to get at.

Mayor Pro Tem Peña stated concern that the ESD2 managers have not come forward for discussion and no other solutions have been proposed. He stated that all the Council agrees that it wants to work together. He stated a need to hear from their decision makers, not the labor. He stated that the signs that EMS will end and the fear, uncertainty and doubt created is irritating.

Mr. Weiss stated that he cannot disagree with Mayor Pro Tem Peña. He expressed congratulations to the firefighters on their efforts and for presenting their solution. He stated that they want to know why the City hasn't come to the table. He stated that the ESD leadership is not coming forward. He stated a need to figure out what the future looks like. He stated that this looks like a stop-gap solution. He stated need to work with the ESD leadership to come up with a comprehensive solution and a need to get together in our entirety to build a plan.

Mr. Metayer stated that the ultimate footprint of the City will be the footprint of the ESD2. He stated a need to come together and work through the issue. Mayor Pro Tem Peña stated to formally ask the ESD2 to reach out for a meeting.

Mr. Ruiz stated that he is always on board to let people vote on it, but the ESD2 board has remained quiet. He stated let's negotiate and make a plan. He stated that the Council will not leave the people in the dark. He stated that he thinks the firefighters are honorable people. He asked that they come together. Mr. Ruiz made a motion to table the item. Mr. Heath seconded the motion. Mayor Gonzales provided comments, stating that after having listened to a CPA's comments that there are healthy revenues in the ESD budget, it is their responsibility, that they have a fiduciary responsibility regarding municipal services. He stated that he feels the tactics of the Professional Firefighters were out of order and they need to move from a political agenda to an administrative agenda. He stated that citizens will not be without ambulance services. Mayor Pro Tem Peña asked regarding the motion, indicating that action needs to be taken prior to February 8, 2021. Mr. Ruiz indicated to make that amendment and Mr. Heath seconded the amendment. Mr. Metayer stated a need to also have Travis County at the table and to get price tags on the services. Mr. Ruiz asked to have the entire Council, not just the Subcommittee. Mayor Pro Tem Peña indicated that he would like to include the CTMS decision makers. Ms. Breland clarified her direction with Council. All voted in favor on the motion. The motion carried.

### 13. Discuss and consider action

- 13A. 2021-0025 Discuss and consider action to approve a Professional Services Supplemental Agreement with LJA Engineering, Inc., for professional engineering services associated with the East Pflugerville Parkway Extension east of Weiss Lane to the City's eastern city limits in the amount of \$355,494.75.

Mayor Gonzales opened the item for consideration. Ms. Davis provided information and answered questions of Council. Mr. Weiss made a motion to approve the item. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

- 13B. 2021-8843 Discuss and consider action to approve a professional services agreement with Kimley-Horn in the amount of \$349,995.80 for professional engineering services associated with the Pfluger Farm Lane North project and authorizing the City Manager to execute the same.

Mayor Gonzales opened the item for consideration. Mr. Heath made a motion to approve the item. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

### 14. Adjourn

Mayor Gonzales adjourned the meeting at 9:46 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on January 26, 2021.