



City of Pflugerville

Minutes - Final

City Council

Wednesday, December 28, 2016

6:00 PM

100 East Main Street, Suite 500

Special Joint Meeting with Pflugerville Community Development Corporation

1. Call to order

Mayor Victor Gonzales called the special meeting to order at 6:01 p.m. Councilmembers Doug Weiss, Jeff Marsh, Omar Peña, Starlet Sattler and Mike Heath were in attendance. City employees attending: Brandon Wade, City Manager; George Hyde, City Attorney; Karen Thompson, City Secretary; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Terri Toledo, Public Information Officer.

Pflugerville Community Development Corporation (PCDC) Boardmembers in attendance: Doug Weiss, Vice President; George Cudd, Secretary; Jim Swanzey, Treasurer; Ron Agnew, Jeff Thompson, Ken Dalfonso, A.K. Brewer. PCDC employees in attendance: Amy Madison, Executive Director; Christian Kurtz, Director of Business Development; Shannon Kackley, PCDC Attorney.

2. Resolution

2A. [RES-0376](#)

- 1.) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Section 551.087 of the Texas Government Code, regarding the lease of real property pursuant to Section 551.072 of the Texas Local Government Code, and to seek legal advice pursuant to Section 551.071 of the Texas Government Code concerning economic development negotiations, lease agreements, and related legal transactions involving the Hawaiian Falls Waterpark's transition into a Texas Typhoon Waterpark.
- 2.) Open Session Item: Discuss and consider action on a City and Pflugerville Community Development Corporation Joint Resolution approving an Amended and Restated Water and Adventure Park Ground Lease and Operating Agreement between the Pflugerville Community Development Corporation and Typhoon Waterpark of Pflugerville, LLC; approving a Reserve Fund and Disbursement Agreement among the City, the Pflugerville Community Development Corporation, and Typhoon Waterpark of Pflugerville, LLC; approving a Memorandum of Lease Agreement for recordation in the Travis County Deed Records; and, authorizing the City Manager to execute all proposed agreements and take any remaining steps to complete the proposed operator transition.

Mayor Gonzales announced that the City Council was retiring to executive session for discussion on item 2A. He read the item and retired to executive session. The time was 6:01 p.m. The City Council reconvened in open session at 9:29 p.m. Mr. Weiss read the open session item for consideration by the PCDC. Mr. Hyde read the suggested motion on the item: "Motion to approve the Joint Resolution of the PCDC and the City of Pflugerville as presented, conditional upon the lease being amended to state that the sales price provided in Section 5.2 is calculated as the higher of the then existing balance of any debt of the PCDC supporting its original investment in the Water and Adventure Park or the Net Present Value of the remaining lease payments discounted by 4.5%; and the addition of a provision requiring Typhoon, for the purpose of sale tax collection, to site all ticket sales for the Water and Adventure Park to occur within the city limits of Pflugerville, Texas." Mr. Dalfonso indicated to make the motion as stated for PCDC approval. Mr. Agnew seconded the motion. All voted in favor. The motion carried. Mr. Gonzales stated that the City Council is considering the same resolution. Mr. Peña made a motion to approve as read by the City Attorney. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

3. Adjourn

Ms. Sattler made a motion to adjourn. Mr. Marsh seconded the motion. The vote was: Mr. Weiss- yes, Mr. Marsh-yes, Mr. Peña-no, Ms. Sattler-yes, Mr. Heath-yes, Mayor Gonzales-yes. The motion carried. The meeting was adjourned at 9:33 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as _____ on January 10, 2017.