



# City of Pflugerville

## Minutes - Final City Council

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Tuesday, October 29, 2013

7:00 PM

100 East Main Street, Suite 500

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### Special Meeting

#### 1. Call to order

Mayor Jeff Coleman called the special meeting to order at 7:00 p.m. Councilmembers Wayne Cooper, Brad Marshall, Omar Peña, Starlet Sattler and Victor Gonzales were in attendance. City employees in attendance: Brandon Wade, City Manager; George Hyde, City Attorney; Lauri Gillam, Assistant City Manager; Trey Fletcher, Assistant City Manager; Tom Word, Assistant City Manager; Dan Franz, City Engineer; Emily Barron, Planning Director; Terri Waggoner, Public Information Officer; Chuck Hooker, Police Chief; Karen Thompson, City Secretary; Terrell Palmer, Financial Advisor and Richard Donoghue, Bond Counsel.

#### Reading of the Consent Agenda

Ms. Thompson read the items under consideration to include the caption of the ordinance.

#### 2. Approval of Minutes

- 2A. [2013-2426](#) Approval of the minutes of the October 22, 2013 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

#### 3. Ordinances Second Reading

- 3A. [ORD-0180](#) Approving an ordinance on second reading with the caption reading: AN ORDINANCE BY THE CITY OF PFLUGERVILLE, TEXAS ("CITY"), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE, DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY'S RATE-CASE EXPENSES, FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

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

### Action on the Consent Agenda

Mr. Gonzales made a motion to approve the consent agenda. Mr. Peña seconded the motion. All voted in favor. The motion carried.

## 4. Public Hearing and Ordinance First Readings

- 4A. [ORD-0177](#) Public hearing and consideration of an ordinance on first reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 974-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR AN OUTDOOR COMMERCIAL AMUSEMENT USE FOR APPROXIMATELY 25 ACRES OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 23, PFLUGERVILLE, TEXAS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF FM 685 AND TOWN CENTER DRIVE, TO BE KNOWN AS THE HAWAIIAN FALLS WATER PARK SPECIAL DISTRICT (SD1308-01), AND PROVIDING AN EFFECTIVE DATE.

Ms. Barron provided information and answered questions of the City Council. Mr. Word and Mr. Fletcher also provided input.

Danny Vinzant, 508 Greenway Drive, stated that Pflugerville is funding this operation and spoke to his concerns that the city will be financially responsible for everything at this facility. He stated that Hawaiian Falls is in this at no risk. He asked what the profit margin of Hawaiian Falls is and stated that the citizens deserve to know. He stated concerns that earnings will not recirculate in Pflugerville and stated that fast food and hotels are coming to Pflugerville anyway. He stated that Hawaiian Falls is not going to take any fall, it is all on Pflugerville. He stated that it will be an albatross on Pflugerville.

Brent Hurta, 3104 Murrelet Way, stated he was here to speak regarding the location and his concerns for traffic. He spoke regarding current traffic back ups. He stated that he is in support of a water park, but that his concern is the location. He stated that he wants them to look at it and consider the traffic and the possibility of an increase in accidents.

There were no additional requests to speak at the public hearing. Mr. Marshall made a motion to close the public hearing. Mr. Peña seconded the motion. All voted in favor. The motion carried.

Mr. Gonzales made a motion to approve the ordinance on first reading. Mr. Cooper seconded the motion. All voted in favor. The motion carried.

## 5. Discuss and consider action

- 5A. [2013-2428](#) Executive Session Item: Discussions regarding deliberations on economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code and consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code regarding

multiple and various inter-related economic development agreements and contracts involving the Pflugerville Community Development Corporation (PCDC) and the City and others related to Project Wave aka Hawaiian Falls Water Park (contracts include but are not limited to the PCDC Performance, Construction, Leasing and Financing Agreements with Project Wave aka Hawaiian Falls Water Park; the PCDC purchase of real property for Project Wave aka Hawaiian Falls Water Park; related funding & finance agreements for the project; the City's Chapter 380 agreement(s) related to the project and the City's related obligations and economic incentives offered in the project. 2.) Open Session Item: Discuss and consider action to cancel previously approved and existing agreements and substitute new agreements to conform the agreements to new funding options; to approve all amended PCDC project documents and agreements; and to authorize the City Manager to execute all related and necessary documents for the project as approved as to form by the City Attorney's Office.

Mayor Coleman announced that the City Council was retiring to executive session for discussion on the item. He read the item and retired to executive session. The time was 7:24 p.m. Mayor Coleman reconvened in open session at 7:58 p.m.

Mr. Hyde provided clarification on the project, stating that the PCDC would own it and be financially responsible, not the city. He stated that it does not obligate the City's ad valorem taxes nor obligate the city for maintenance and operation; that the city would only be providing incentives.

Mr. David Busch, CEO of Hawaiian Falls, provided comments and ensured the Council that it would be an outstanding success. He stated that they expect to do twice as well in Pflugerville as they have in other areas and to exceed expectations.

Mr. Peña made a motion to rescind approval of all prior economic development agreements connected with the Hawaiian Falls water park, to approve the PCDC's refinance resolution of \$7.16 million, to approve the master economic development agreement for the Hawaiian Falls water park including all attachments, which specifically includes the PCDC resolution authorizing the issuing of a debt obligation of up to \$23.5 million to fund the Pflugerville Hawaiian Falls water park project, and to authorize the City Manager to execute all necessary documents in connection therewith in a form approved by the City Attorney's Office. Mr. Marshall seconded the motion. All voted in favor. The motion carried.

## 6. Adjourn

Mr. Marshall made a motion to adjourn. Mr. Gonzales seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Karen Thompson  
City Secretary

Approved as presented on November 12, 2013.