

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS PERTAINING TO THE AMENDED AND RESTATED WATER MANAGEMENT PLAN APPLICATION FILED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY BY THE LOWER COLORADO RIVER AUTHORITY; MAKING FINDINGS AND DETERMINATIONS RELATING THERETO; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville (“CITY”) is a member of the Highland Lakes Firm Water Customer Cooperative (“**HLFWCC**”);

WHEREAS, by Resolution dated May 22, 2013, the HLFWCC Steering Committee determined that it was in the best interest of its member entities for the HLFWCC to participate to the fullest extent allowed by law in the proceedings before the Lower Colorado River Authority, Texas Commission on Environmental Quality (“**TCEQ**”), and State Office of Hearing Examiners (and subsequent legal proceedings, if necessary) in order to ensure that member entities of the HLFWCC, through the HLFWCC, can protect their interests as firm water customers, and further specifically determined that those interests were best served by the submittal by HLFWCC of public comments, requested for party status, and requested for a contested case hearing on the March 12, 2012 application filed by the Lower Colorado River Authority (“**LCRA**”) with the TCEQ (the “**Application**” seeking to amend LCRA’s water rights permit and certificates of adjudication by amending the Water Management Plan (the “**WMP**”), which application was designated by the TCEQ as Application No. 5838A;

WHEREAS, on May 14, 2013 the CITY concurred with the HLFWCC Steering Committee’s determinations and approved the submittal of public comments, request for party status, and request for a contested case hearing on the Application;

WHEREAS, on May 24, 2013 the HLFWCC Steering Committee submitted public comments on the Application and requested party status and a contested case hearing on the Application;

WHEREAS, on June 3, 2013, based on comments submitted by the HLFWCC Steering Committee and other interested persons, the Executive Director of the TCEQ determined that further evaluation of the Application was necessary;

WHEREAS, in May 2014, the Executive Director’s staff issued a report with recommendations that required changes to the Application;

WHEREAS, on October 31, 2014, LCRA submitted a revised and supplemental WMP application, and subsequently has also submitted several additional supplements and updates to the Application, all which retain the TCEQ designation of Application No. 5838A (collectively, the “**Amended and Restated Application**”);

WHEREAS, the HLFWCC Steering Committee has reviewed the Amended and Restated Application and determined that the provisions of its May 22, 2013 resolution apply equally to the Amended and Restated Application;

WHEREAS, the purpose of this Resolution is to clarify that the CITY'S May 14, 2013 Resolution also applies to the Amended and Restated Application – specifically, to clarify that the CITY has determined that, with regard to the Amended and Restated Application, it approves the submittal by the HLFWCC Steering Committee of public comments, request for party status, and request for a contested case hearing on the Amended and Restated Application, and consents to the CITY's representation in all proceedings involving the WMP by the HLFWCC Steering Committee.

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

Section 1. The statements set out in the preamble to this resolution are hereby found to be true and correct and are approved and adopted.

Section 2. All provisions of the CITY's May 14, 2013 Resolution remain in full force and effect and apply equally to the Amended and Restated Application.

Section 3. The CITY hereby approves withdrawal of HLFWCC's May 24, 2013 public comments and request for a contested case hearing on the Amended and Restated Application in substantially the form approved by a majority of the Steering Committee members.

Section 4. The City Council hereby directs the HLFWCC Steering Committee to continue to work to resolve its issues related to the Amended and Restated Application and authorizes modification or withdrawal of the HLFWCC's public comments or request for a contested case hearing if a majority of the Steering Committee determines that it is in the best interest of a majority of the HLFWCC to do so. However, even if the HLFWCC modifies or withdraws its public comments or request for contested case hearing, nothing in this Resolution will prevent the CITY from participating in proceedings on the Amended and Restated Application or any other matter related to the WMP on its own behalf.

Section 5. The meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. This resolution is effective immediately upon its adoption.

City of Pflugerville-HLFWCC WMP Resolution

PASSED AND APPROVED this 25th day of August 2015 at a Meeting of the City Council of the City of Pflugerville, Texas.

CITY OF PFLUGERVILLE

Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary