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October 02, 2024

Mayor Victor Gonzales
and City Council
C/O City Manager
City of Pflugerville
P.O. Box 589
Pflugerville, Texas 78691

VIA EMAIL: citymanager@pflugervilletx.gov

Re: Waiver of Conflict under Tex. R. Disc. P. § 1.06(b)
Utility ROW Acquisitions for the City of Pflugerville

Dear Mayor Gonzales and City Council:

As you are aware, our Firm represents the City of Pflugerville in the acquisition of Permanent Easements, Temporary Construction Easements and Access Easements for land that is needed to install the additional raw water pipeline for the Secondary Colorado River Raw Water Line project. This acquisition has involved land owned by the City of Austin, both parkland and non-parkland parcels. Our Firm also represents the City of Austin in several matters that are completely dissimilar and unrelated to this Project or this real property. Nevertheless, the Texas Disciplinary Rules of Professional Conduct generally do not allow us to represent one client against another. The Texas Rules of Disciplinary Procedure § 1.06 requires full disclosure and mutual client consent for situations such as this. We are simultaneously seeking consent and waiver from the City of Austin.

We have been advised that the City of Austin's policy on public acquisitions of this nature requires the City of Pflugerville to file a condemnation petition that will result in an agreed judgment/order awarding the interest acquired and determining its value. The parkland parcels involved are identified as parcels 7,16,17,18,19, and 20 as detailed in the City of Pflugerville's Resolution, attached as Exhibit "A". Additionally, there are two parcels, 4 and 6(b), which are non-park land, but which have had design objections from the City of Austin staff.

We have been working with the City of Austin staff on this Project and are providing a brief outline below of what has been going on.

- Parcels 7, 16, 17, 18, 19, and 20 (parkland), which required a condemnation action, in conjunction with both cities conducting Chapter 26 proceedings, to sell the easements on these parcels to the City of Pflugerville.

Mayor Gonzales
City of Pflugerville
October 02, 2024

- We have been working with City of Austin Assistant City Attorney Angela Rodriguez on these negotiations and coordinated with her on the Commissioners hearing. It was confirmed that the City of Austin was agreeable with the appraisal amount on all the parcels involved.
- On August 1, 2024, we attended, along with ACA Rodriguez, the Commissioners hearing on Parcel 7. The Commissioners adopted the appraisal price.
- On August 15, 2024, we attended, along with ACA Rodriguez, the Commissioners hearing on Parcels 16-20. The Commissioners adopted the appraisal price.
- We announced to the Commissioners that the hearings were stipulated with the agreed price between the parties.
- The City of Pflugerville City Council adopted the Award of Commissioners for parcels 7, and 16-20 in Resolutions 1253 and 1254 at the August 27, 2024, council meeting.
- The City of Pflugerville has issued the checks to pay the City of Austin for the acquisition of the parcels and were sent by certified mail on September 18th to the address as directed by ACA Ms. Rodriguez by the City's Right-of-Way Management Specialist, Brandon Childers.
- The Judgment will be executed by the Probate Court and a copy will be filed in the Travis County deed records, which our office will verify.

The remaining parcels that do not involve Parkland are parcels 4 and 6b.

- Parcel 4
 - This parcel was inadvertently included in the parkland Petition for condemnation as it was thought to be a part of the parkland property. We have taken no further action on this parcel and have not set any hearings. The City of Austin Engineers are still reviewing the engineering plans.
- Parcel 6b.
 - We have not filed a Petition for condemnation for this parcel. The City of Austin Engineers are still reviewing the engineering plans.

The engineers for both cities are working on the determination on the proper alignment of the City of Pflugerville's easements and the location of the City of Austin's existing or planned facilities so as to not interfere with each other on both these parcels. We will monitor the progress of these parcels closely to see if either the City of Austin or the City of Pflugerville have any concerns about our continuing involvement which may develop in further or initial administrative or judicial proceedings.

Mayor Gonzales
City of Pflugerville
October 02, 2024

We have managed this type of coordination with clients in the past. Our Firm believes there is no conflict of interest or issue of adverse impact on the City of Pflugerville in connection with our representation of both cities on completely different and unrelated matters, none of which involves the potential for use of confidential information from prior representation. We do not believe the matters are “substantially related,” or that our involvement is “directly adverse.” as provided by the Rules.

Should any future change create an obligation under the Rules to withdraw from one or more representations to avoid a conflict, we will immediately advise you and promptly withdraw from one or more representations to the extent necessary for any remaining representation not to be in violation of the Rules.

If this is acceptable and you agree to the scope of our firm’s representation of the City of Austin and agree to waive any conflict, please sign, date below, and return the signed originals to Paralegal Christy Burke, ceburke@rampagelaw.com.

If you have any questions regarding this correspondence or our obligations under the Rules, please do not hesitate to contact me.

Very truly yours,

DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH
A Professional Corporation



LOWELL F. DENTON

LFD/ceb
Enclosures: as stated.

AGREED:

Victor Gonzales, Mayor
City of Pflugerville

Date