

MINUTES
REINVESTMENT ZONE NO. ONE OF THE CITY OF PFLUGERVILLE
(FALCON POINTE TIRZ)
BOARD OF DIRECTORS MEETING
100 EAST MAIN STREET, SUITE 500
WEDNESDAY, JANUARY 11, 2012
5:00 PM

1. Call to Order. Chairman Mike Marsh called the meeting to order at 5:05 p.m. Boardmembers Scott Johnson (Vice Chair), Ron Beyer, Bob Dwyer and Scott Williams were in attendance. City employees attending: Brandon Wade, City Manager; Trey Fletcher, Assistant City Manager; Lauri Gillam, Assistant City Manager; Karen Thompson, City Secretary. Others attending: Charlie Zech, TIRZ attorney; Rainer Ficken, Newland Communities; Bill Meyer, Newland Communities; Timothy Austin, Allen Boone Humphries Robinson LLP; John Barganski, First Southwest.

Items were addressed in the order as recorded in the minutes.

2. Public Comment. There were no requests to speak under the item.

3. Approval of the minutes of the October 11, 2011 Quorum, October 19, 2011 Meeting, and November 8, 2011 Quorum. Mr. Johnson made a motion to approve the minutes. Mr. Dwyer seconded the motion. All voted in favor. The motion carried.

4. Discuss the City of Pflugerville Reinvestment Zone No. One Final Project Plan and Reinvestment Zone Financing Plan. It was noted that the final plan had been provided for informational and reference purposes. There was no discussion on the item.

6. Discuss and consider action regarding the City of Pflugerville Reinvestment Zone No. One (Falcon Pointe TIRZ) Development Financing Agreement (Developer and City Reimbursement Agreement). Mr. Marsh provided introductory information and Mr. Zech provided information on the current document. Board discussion followed with Mr. Zech, Mr. Fletcher, Mr. Austin, Mr. Ficken, and Mr. Meyer regarding additional modifications to the agreement. Section II C(1) was to be modified to add to the second sentence, (ii), the words, “as determined by Section IIIC.” Section II E language was to be modified to indicate that “Land Acquisition Costs” would be determined at the time through negotiation of price. Section III C was to be modified to remove the word “reserves” and to change the word “greater” to “lesser” in the first sentence. Further modifications to the section were to be made to add an additional paragraph for inclusion of reimbursement for the detention pond project and to add clarification regarding easements from third parties. Mr. Johnson made a motion to approve the agreement pending the changes as discussed. Mr. Austin was to complete the changes and distribute the amended document on January 12, 2012 to allow for the agreement to be considered by the City Council on January 24, 2012.

Mr. Marsh called for a break at 6:21 p.m. He resumed the meeting at 6:42 p.m.

5. Discuss and consider action regarding the proposed Request For Statement Of Qualifications by the City of Pflugerville for the Colorado Sand Street, Drainage, and Utility Improvement Project. Mr. Fletcher provided information and asked for action of the Board to authorize the issuance of the Request For Statement of Qualifications. Mr. Beyer made a motion to approve. Mr. Dwyer seconded the motion. All voted in favor. The motion carried.

8. Discuss and consider action regarding future meeting dates and agenda items. The next meeting of the TIRZ Board was set for Wednesday, January 25, 2012 at 6:00 p.m. for a presentation by Newland Communities regarding the projects they are about to initiate.

7. Executive Session Item: To deliberate upon the appointment/employment of the attorney for Reinvestment Zone No. One (Falcon Pointe TIRZ) and to consider a letter of engagement and appointment of Denton, Navarro, Rocha and Bernal P.C. pursuant to Chapter 551.074 of the Texas Government Code. Open Session Item: Discuss and consider action to approve a letter of engagement and the appointment of Denton, Navarro, Rocha and Bernal P.C. as the attorney for Reinvestment Zone No. One (Falcon Pointe TIRZ). Mr. Marsh announced that the **Board** was retiring to executive session for discussion. Ms. Thompson read the item to be discussed. Mr. Marsh retired to executive session. The time was 7:06 p.m. Mr. Marsh reconvened in open session at 7:32 p.m. Mr. Johnson made a motion to request a letter of engagement from Denton, Navarro, Rocha, and Bernal P.C. with terms and conditions in line with that in place with the City of Pflugerville. Mr. Beyer seconded the motion. All voted in favor. The motion carried.

8. Discuss and consider action regarding future meeting dates and agenda items. The letter of engagement with Denton, Navarro, Rocha and Bernal P.C. for legal counsel was to be considered at the meeting on January 25, 2012.

9. Adjourn. Mr. Beyer made a motion to adjourn. Mr. Johnson seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 7:36 p.m.

Approved as amended on January 25, 2012.

Mike Marsh
Chair