



City of Pflugerville

Minutes - Final

City Council

Tuesday, October 11, 2016

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1. Call to order

Mayor Pro Tem Omar Peña called the meeting to order at 7:02 p.m. Councilmembers Wayne Cooper, Jeff Marsh and Mike Heath were in attendance. Mayor Jeff Coleman and Councilmember Starlet Sattler were absent. 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; Tom Word, Assistant City Manager; Terri Toledo, Public Information Officer; Amy Good, Finance Director; Amy Giannini, City Engineer; Emily Barron, Planning Director; Blake Overmyer, Building Official; James Hemenes, Parks Director; Chuck Hooker, Police Chief; Rhonda McLendon, Pflugerville Animal Welfare Services Director.

2. Opening

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

Mayor Pro Tem Peña led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America.

B. Pledge of Allegiance to the Texas State Flag: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Mayor Pro Tem Peña led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

3. Presentations

- 3A. [2016-5240](#)** Proclamation and recognition of Caroline Coleman who represented Pflugerville on Chopped Junior, a reality show on the Food Channel.

Mayor Pro Tem Peña and Miss Coleman provided comments. Mayor Pro Tem Peña presented the proclamation to Miss Coleman. Miss Coleman presented her cupcakes to the Council and those in attendance.

- 3B. [2016-5141](#)** Proclamation declaring October 9-15, 2016 as National Fire Prevention Week.

Fire Chief Ron Moellenberg provided comments and urged the public to check the date on smoke detectors this year and replace those more than ten years

old. Mayor Pro Tem Peña presented the proclamation to Chief Moellenberg.

3C. [2016-5253](#)

Pflugerville Downtown Association PflugerGolf 13 presentation.

Ms. Toledo presented a video on the Pflugerville Downtown Association's PflugerGolf October 10, 2016 event announcing the Pflugerville Police Department as the 2016 Pflugerville Legend Award recipient. Mr. Victor Johnson of the Pflugerville Downtown Association provided information on the newly formed Pflugerville Police Department Benevolence Fund and presented a \$5,000 donation from the Pflugerville Downtown Association and launch of the non-profit organization. Mayor Pro Tem Peña presented the proclamation. Mr. Marsh and Mr. Heath presented donations to the fund.

3D. [2016-5237](#)

Presentation on \$20 adoption fees in honor of October Adopt a Dog month and the second annual Trunk or Treat event at the animal shelter.

Ms. McLendon provided information and announced the new name for the department, the Pflugerville Animal Welfare Services (PAWS) Department.

4. Public Hearing and Ordinance First Readings

4A. [ORD-0324](#)

Conduct a public hearing and consider approving the first reading of an ordinance with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF TWO TRACTS CONSISTING OF APPROXIMATELY 3.218 ACRES OF LAND OUT OF THE JOHN VAN WINKLE SURVEY NO. 70, ABSTRACT NO. 877, LOCATED GENERALLY NORTHWEST OF THE W. PFLUGERVILLE PKWY. AND PICADILLY DR. INTERSECTION FROM AGRICULTURE/CONSERVATION (A) TO NEIGHBORHOOD SERVICES (NS); TO BE KNOWN AS THE ISLAMIC CENTER OF PFLUGERVILLE REZONING (REZ1608-01); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Peña opened the public hearing and read the item to include the caption of the ordinance under consideration.

Dawn Brooks, 17513 Kessler Drive, voiced concerns for the space and what is proposed for development there. She stated that they have not seen a proposed plan and were told they were going to propose at 5,000 sq. ft. mosque, and since then, that they are now proposing retail space. She stated concerns for the land space and traffic. She stated that she thinks the mosque would be fine, but it is when you get into adding a retail space and additional space and parking. She stated that parking and traffic is going to be an issue. She stated that they have had problems with drainage and it is a mess in their backyards when it rains. She asked the Council to look at the land, the size and what can really be put on it.

Syed Nadeem, 1200 Autumn Sage Way, stated that it has been a couple of months since he moved to Pflugerville. He stated that he feels it would be good to have accessible neighborhood services, that they only have a 7-11 and a gas station. He stated that he thinks the location is placed well and is accessible. He stated that people moving to the area are professionals and family-oriented people. He stated that he thinks it would be good to have diversity and he thinks it will be a good addition to have this. He stated to the Council that he hopes they will vote in favor of it.

Faisal Naeem, 201 Creek Ridge Lane, stated that he is a member of the Islamic Center of Pflugerville. He stated that he wants to explain to those in attendance that this is stuff that is on the way. He stated that Pflugerville Parkway is already an arterial road and they will be in compliance with whatever the City mandates. He stated that they do not intend to and cannot go against the City. He stated that with the Islamic Center, they will still have plenty of space for a retail center. He stated that they want to be able to pay for an Imam and the vision for these shops is to provide the funds to provide services for Muslims and neighbors to connect and have a cohesive and loving neighborhood. He stated that they have been located at Windermere and Pecan, and the number of churches that have reached out is amazing.

Jennifer Harris, 909 Palitine Lane, stated that she respects his desire for a place of worship. She stated that her home is next to the gate for the Pflugerville Independent School District's agriculture building. She stated there are noise issues and she doesn't see how the ag building would not bother the mosque. She stated that it is very noisy and there is tons of traffic back there.

Mayor Pro Tem Peña stated that the following people did not wish to speak but asked that their opposition or support be noted for the record.

The following indicated opposition:

Roland Gutzky, 909 Palitine Lane

Jennifer Gutzky, 909 Palitine Lane

Joe Garza, Pflugerville, Texas

Mary Garza, Pflugerville, Texas

Francis Garcia, 904 Dansworth Cove

The following indicated support:

Farooq Ali Khan, 18508 Star Gazer Way

Abdul Kham, 18424 Star Gazer Way, stated that he was at the last hearing. He stated that there were lots of concerns for the traffic, etc. and those issues shouldn't be mixed with the rezoning that we are hearing. He stated that we are talking about a small piece of land. He stated that having a small store to be self-sustaining for the mosque is important. He stated that the mosque has a huge maintenance cost. He stated that he is really happy to have the Islamic Center here and he is looking forward to it. He stated that the traffic should be minimal but that he thinks there should be a traffic signal. He stated that they should probably work on that issue separately.

Charles Deus, 17804 Regis Drive, stated that this center will be in his back yard and he fully supports it. He stated that maybe having a mosque there will motivate the Pflugerville Independent School District to keep the kids quiet and

may accommodate improved drainage. He stated that he fully supports and welcomes the diversity.

Khurram Shahzad stated that he lives off Picadilly. He congratulated the City of Pflugerville, Council, neighbors and citizens for being ranked #12 by Money Magazine. He stated that this speaks volumes that a lot of good works are taking place in the city here. He stated that before buying the property, they had several meetings with the City's planning and engineering departments. He stated that after discussion and the City carefully looking at the plans, they advised the Islamic Center that this would be a good spot for the mosque and what we were planning to do with the retail center. He stated that they carefully vetted the property. He stated that they intend to follow the letter of the law and will basically be following it to its spirit. He stated that he lives in the neighborhood and they understand the concerns of the neighbors. He stated that anyone can talk with the neighbors of the Windermere center. He stated that he is completely in support and appreciates the Council's time.

Roland Gutzky, 909 Palatine Lane, stated that he does not have problem with the Islamic Center, but has concerns regarding the retail center regarding traffic, hours and noise. He asked why they would need retail to support this new site. He stated that the lot is not wide enough to negotiate more than a couple of cars.

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

Mr. Cooper made a motion to approve the zoning as presented. The motion died for lack of a second.

Mr. Heath asked regarding the zoning and development process. Mr. Hyde provided information and stated Ms. Barron might be able to provide additional information. Mr. Cooper provided information on zoning being to approve a proposed land use for the property. Ms. Barron answered questions of the Council. She noted that gas station is not allowed in this category and that they generally see smaller day-time businesses in this zoning category. She stated that lighting, parking, and drainage are considered with every site development application.

Mr. Cooper made a motion to approve item 4A as presented by staff, to change the zoning as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The ordinance was approved on first reading as presented.

5. Public Comment

Ms. Vernagene Mott submitted a form to provide public comment but was no longer in attendance when the item was called.

Reading of the Consent Agenda

Items 8D and 8K were removed from the consent agenda. Ms. Thompson read the items along with the captions of the ordinances under consideration.

6. Approval of Minutes

- 6A. [2016-5227](#) Approval of the minutes of the September 27, 2016 Worksession and Regular Meeting.

The minutes were approved on the consent agenda.

7. Ordinances Second Reading

- 7A. [ORD-0319](#) Approval of an ordinance on second reading with a caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 821-06-03-14 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED IN ORDINANCE NO. 999-09-04-28, BY REVISING TABLE SHC2, PERMITTED USES, TO ALLOW FOR A CONVENIENCE STORE WITH GAS PUMPS, MEDICAL FACILITY, HOSPITAL, MEDICAL OFFICE, AND TRADITIONAL OFFICE USES WITHOUT SQUARE FOOTAGE LIMITATIONS, WITHIN NEIGHBORHOOD THREE-WEST WITHIN FALCON POINTE ALUR-2 SOUTH PLANNED UNIT DEVELOPMENT (PUD), A 148.55-ACRE TRACT OF LAND OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 231, PFLUGERVILLE, TRAVIS COUNTY, TEXAS, GENERALLY LOCATED AT THE NORTHEAST CORNER OF SH 130 AND E. PFLUGERVILLE PARKWAY; TO BE KNOWN AS THE SECOND AMENDMENT TO THE FALCON POINTE ALUR-2 SOUTH REZONING (REZ1606-03), AND PROVIDING AN EFFECTIVE DATE.

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

- 7B. [ORD-0327](#) Approval of an ordinance on second reading with the caption: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 4.819 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED NORTH OF MEISTER LANE AND SOUTH OF SH 45 (LOUIS HENNA BOULEVARD), BEING A TRACT OF LAND OUT OF THE WILLIAM BARKER SURVEY NO. 74, ABSTRACT NO. 107, IN WILLIAMSON AND TRAVIS COUNTIES, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE. (ANX1608-01)

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

8. Other Actions

- 8A. [2016-5252](#) Approving one day registration for the Texas Municipal League Annual Conference in Austin, Texas in October 2016 for Councilmember Wayne Cooper.
- The item was approved on the consent agenda.
- 8B. [2016-5250](#) Receive report on City Council, Commission, Board and Committee expenditures for September 2016.
- The item was approved on the consent agenda.
- 8C. [2016-5012](#) Approving an agreement with the Wallace Group (TWG), a CP&Y, Inc. company in the amount of \$50,220.00 for professional services associated with design, bidding and construction administration of the Pigeon Forge Drive and Lynn Cove Street Reconstruction Project and authorizing the City Manager to execute the agreement.
- The item was approved on the consent agenda.
- 8E. [2016-5233](#) Authorizing the City Manager to execute a Wastewater Easement Agreement with 735 Henna, LLC, and the City of Pflugerville for a wastewater line associated with the Children's Lighthouse project located generally northwest of the intersection of Kelly Lane and Weiss Lane.
- The item was approved on the consent agenda.
- 8F. [2016-5234](#) Authorizing the City Manager to execute a Wastewater Easement Agreement with Frank Ismail and the City of Pflugerville for a wastewater line associated with the Children's Lighthouse project located generally northwest of the intersection of Kelly Lane and Weiss Lane.
- The item was approved on the consent agenda.
- 8G. [2016-5239](#) Authorizing the City Manager to execute a First Amendment to the Right of Way License Agreement between the City of Pflugerville and the Penley Park Homeowners Association (HOA) applicable to all City streets and public parkland within the subdivision.
- The item was approved on the consent agenda.
- 8H. [2016-5241](#) Authorizing the City Manager to execute a warranty deed, as an executory interest holder, accepting the conveyance of real property to the City of Pflugerville dedicated as public parkland legally described as Lots 1 and 22, Block B, Penley Park Phase 3 Subdivision.
- The item was approved on the consent agenda.
- 8I. [2016-5243](#) Authorizing the City Manager to Execute a Temporary Drainage Easement Agreement between Heritage Lakes Partners, LLC and the

City of Pflugerville associated with the Heritage Lakes project located generally southwest of the intersection of Kelly Lane and Weiss Lane.

The item was approved on the consent agenda.

- 8J. [2016-5266](#) Approve the appointment of Ms. Amy Giannini as City Engineer.

The item was approved on the consent agenda.

Action on the Consent Agenda

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

- 8K. [2016-5267](#) Authorizing the City Manager to spend up to \$10,000 for City of Pflugerville promotional materials for use by the Hendrickson High School Hawk Band to promote the city during their trip to New York City to perform in the 2016 Macy's Day Parade.

Mayor Pro Tem Peña stated that he had spoke to Mayor Coleman regarding the item and they were going to explore it. Mr. Garth Gunderson, Hendrickson High School Band Director, stated that it is a great way to promote our city and provide coats for the kids. Shannon Study, Hendrickson High School Fine Arts Administrative Assistant, answered questions of the Council. Mr. Heath stated that he is not sure this is something that the City should be doing. He indicated concerns. Mr. Heath made a motion to table the item. Mr. Cooper seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marsh-no, Mr. Heath-yes. The motion carried. The item was tabled.

- 8D. [2016-5218](#) Approving an agreement with Freese and Nichols, Inc. for long-term professional engineering consulting services associated with capital improvements and operational issues at the City's Wastewater Treatment Plant and authorizing the City Manager to execute the agreements.

Mr. Word provided information and answered questions of the Council. Mr. Wade noted that projects over \$50,000 would come to the Council for their consideration. Mr. Heath made a motion to approve as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

9. Discuss and consider action

- 9A. [2016-5246](#) Discuss and consider action to award a construction contract for the Helios and Sun Light Near Way Project to Cash Construction Company, Inc., the lowest responsible bidder of six (6) bids received on September 15, 2016, in the amount of \$2,941,541.42 and authorizing the City Manager to execute same.

The item was postponed. There was no discussion or action on the item.

- 9B. [2016-5255](#) Discuss and consider action to authorize the City Manager to execute

a Developer Participation Agreement between Continental Homes of Texas, L.P. and the City of Pflugerville for construction of parking infrastructure for the Wilbarger Park along Craters of the Moon Boulevard.

Mr. Word provide information and answered questions of the Council. Mr. Cooper made a motion to approve item 9B as presented. Mr. Marsh seconded the motion. The vote was: Mr. Cooper-yes, Mr. Marsh-yes, Mr. Heath-no. The motion carried.

9C. [2016-5247](#)

Discuss and consider action to approve the award of a construction contract for the Carmel Wastewater Interceptor Phase 1 project to Central Road & Utility, LTD, the lowest responsible bidder of ten (10) bids received on September 29, 2016, in the amount of \$2,208,375.50 and authorizing the City Manager to execute same.

Mr. Word provided information and answered questions of the Council. Mr. Cooper made a motion to approve item 9C as presented. Mr. Heath seconded the motion. All voted in favor. The motion carried.

9D. [2016-5244](#)

Discuss and consider action regarding future agenda items.

None stated.

9E. [2016-5256](#)

1.) 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 for legal advice concerning economic development negotiations regarding a 380 Economic Development Agreement with Terrabrook Falcon Pointe, LLC. 2.) Open Session Item: Discuss and consider action to approve a 380 Economic Development Agreement with Terrabrook Falcon Pointe, LLC.

There was no discussion on the item in executive session during the regular meeting. Mr. Cooper made a motion to approve 9E as presented. Mr. Marsh seconded the motion. All voted in favor. The motion carried.

10. Discuss only

10A. [2016-5226](#)

1.) 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 for legal advice concerning economic development negotiations.

Discussion on the item took place in executive session during the earlier worksession. There was no discussion on the item during the regular meeting.

10B. [2016-5251](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code and deliberation regarding real property pursuant to Chapter 551.072 of the Texas

Government Code regarding the purchase, exchange, lease, transfer and/or sale of real property.

There was no discussion on the item.

11. Adjourn

Mr. Cooper made a motion to adjourn. Mr. Marsh seconded the motion. All voted in favor. The motion carried. The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Karen Thompson
City Secretary

Approved as presented on October 25, 2016.