

REGULAR CITY COUNCIL MEETING  
FEBRUARY 7, 2017

The Regular City Council Meeting of the City of Keller was held on Tuesday, February 7, 2017, at Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas.

The following City Council Members were present:

Mayor Mark Mathews  
Council Member Debbie Bryan  
Council Member Armin Mizani  
Council Member Ed Speakmon  
Council Member Eric Schmidt  
Council Member Bill Hodnett  
Mayor Pro Tem Rick Barnes

Administrative personnel present were City Manager Mark Hafner, Interim City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Human Resources/Interim Director of Administrative Services Carolyn Nivens, Director of Community Services Cody Maberry, Director of Public Services/Economic Development Trina Zais, Director of Public Works Alonzo Liñán, Director of Finance Aaron Rector, Director of Information Technology Sean Vreeland, Police Chief Mike Wilson, and Fire Chief David Jones.

A. CALL TO ORDER - Mayor Mark Mathews

The Pre-Council Meeting was called to order by Mayor Mark Mathews at 5:03 P.M.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Mayor Mark Mathews adjourned the meeting to Executive Session during the Pre-Council Meeting for the following purposes allowed in Chapter 551 of the Texas Government Code:

1. Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.

- (1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
  - (2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.
2. Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.

- a. Alta Vista Pipeline.

3. Adjourn into Open Meeting.

The Pre-Council Meeting was called back to order by Mayor Mark Mathews.

4. Action on Executive Session Items 1 and 2a if necessary.

Item 1 - No action was taken.

Item 2a - No action was taken.

#### D. WORK SESSION

1. Discuss Senior Center Needs Study.

Ms. Carol Rubino, Ms. Jeri Cook, Ms. Elaine Rice, Ms. Anita Dale, and Ms. Patty Steward, Keller Senior Center members, gave a presentation relating to a Senior Center Needs Study.

2. Presentation of Pavement Condition Index and 2017 Road Rehabilitation Priorities.

Director of Public Works Alonzo Liñán gave a presentation relating to the Pavement Condition Index and 2017 Road Rehabilitation Priorities.

3. Discuss revising Keller Code of Ordinance Section 18-320 - Parking on Public Streets, as it relates to the types of recreational vehicles that can be parked unoccupied on public streets.

Police Chief Mike Wilson gave a presentation relating to revising the City of Keller Code of Ordinances Section 18-320 - Parking on Public Streets, as it relates to the types of recreational vehicles that can be parked unoccupied on public streets.

E. ADJOURN

The Pre-Council Meeting was adjourned by Mayor Mark Mathews at 6:55 P.M.

REGULAR MEETING 7:00

A. CALL TO ORDER

The Regular Meeting was called to order by Mayor Mark Mathews at 7:01 P.M.

B. INVOCATION

Chaplain Mitzi Ellington, Texas Health Alliance, and Mr. Dennis Serratt, First Baptist Church, Watauga, gave the invocations.

C. PLEDGE OF ALLEGIANCE

1. Pledge to the United States Flag.

Boy Scout Troop 536 led the Pledge to the United States Flag.

2. Pledge to the Texas Flag - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one State under God, one and indivisible."

Boy Scout Troop 536 led the Pledge to the Texas Flag.

D. PRESENTATIONS & PROCLAMATIONS

1. City Manager update on current projects.

City Manager Mark Hafner gave an update on current projects.

2. Keller Pointe Year End Report.

Keller Pointe Manager Mike Mashburn presented the Keller Pointe Year End Report.

E. PERSONS TO BE HEARD

This is a time for the public to address the City Council on any subject. However, the Texas Open Meetings Act prohibits the City Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action.

No public comments were received.

F. CONSENT

The next order of business was for the City Council to consider the consent agenda items, which were deemed to need little or no discussion, and were acted upon as one business item.

1. Consider approval of the minutes of the Regular Council Meeting on Tuesday, January 17, 2017.

Council Member Armin Mizani made a motion to approve the minutes of the Regular Council Meeting on Tuesday, January 17, 2017 as proposed. Mayor Pro Tem Rick Barnes seconded the motion. The motion carried unanimously.

2. Consider a resolution approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Equity Ventures Commercial, Inc., planned developer of 15,000 square foot Natural Grocers located at the northeast corner of Keller-Smithfield Rd. and FM 1709, Keller, Texas; and authorizing the City Manager to execute said documents on behalf of the City of Keller, Texas.

Council Member Armin Mizani made a motion to approve Resolution No. 3849 approving a Chapter 380 Economic

Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Equity Ventures Commercial, Inc., planned developer of 15,000 square foot Natural Grocers located at the northeast corner of Keller-Smithfield Rd. and FM 1709, Keller, Texas; and authorizing the City Manager to execute said documents on behalf of the City of Keller, Texas as proposed. Mayor Pro Tem Rick Barnes seconded the motion. The motion carried unanimously.

3. Consider a resolution approving an amendment to the City Fee Schedule, adopted by Resolution No. 3177, on March 6, 2012, providing for the Tree Mitigation Fee; authorizing publication; and establishing an effective date.

Council Member Armin Mizani made a motion to approve Resolution No. 3850 approving an amendment to the City Fee Schedule, adopted by Resolution No. 3177, on March 6, 2012, providing for the Tree Mitigation Fee; authorizing publication; and establishing an effective date as proposed. Mayor Pro Tem Rick Barnes seconded the motion. The motion carried unanimously.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. Consider a resolution approving an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for residential Lots 3, 8, and 10-12 Block A, of Bella Ridge Addition, a residential development consisting of twelve (12) residential lots, and four (4) open space lots, located on approximately 16.819 acres of land, on the northwest corner of the Randol Mill Avenue and Florence Road intersection, being Lot 1, Block A of the Anchor Church Addition and a tract of land in the Josiah Walker Survey, Abstract No. 1604, and zoned as PD-SF-25 (Planned Development-Single Family Residential-25,000 square foot minimum). Silveroak Real Estate Group, LLC, owner/applicant. Fain Cuppett Landscape Architects, LLC, landscape architect. (TB-16-0003)

Mr. David Hawkins, Planning Manager, gave a presentation relating to an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for residential Lots 3, 8, and 10-12 Block A, of Bella Ridge Addition, a residential development consisting of twelve (12) residential lots, and four (4) open space lots, located on approximately 16.819 acres of land.

Mr. Kelly Dykes, Silveroak Real Estate Group, LLC, addressed the City Council regarding the proposal.

Council Member Armin Mizani made a motion to approve a resolution approving an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for residential Lots 3, 8, and 10-12 Block A, of Bella Ridge Addition, a residential development consisting of twelve (12) residential lots, and four (4) open space lots, located on approximately 16.819 acres of land, on the northwest corner of the Randol Mill Avenue and Florence Road intersection, being Lot 1, Block A of the Anchor Church Addition and a tract of land in the Josiah Walker Survey, Abstract No. 1604, and zoned as PD-SF-25 (Planned Development-Single Family Residential-25,000 square foot minimum). Mayor Mark Mathews seconded the motion. The motion carried with the following vote:

AYES: Mayor Mark Mathews and Council Member Armin Mizani.

NAYS: Council Member Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, Council Member Bill Hodnett, and Mayor Pro Tem Rick Barnes.

Mayor Pro Tem Rick Barnes made a motion to approve Resolution No. 3851 approving an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree

Preservation, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for residential Lots 3, 8, and 10-12 Block A, of Bella Ridge Addition, a residential development consisting of twelve (12) residential lots, and four (4) open space lots, located on approximately 16.819 acres of land, on the northwest corner of the Randol Mill Avenue and Florence Road intersection, being Lot 1, Block A of the Anchor Church Addition and a tract of land in the Josiah Walker Survey, Abstract No. 1604, and zoned as PD-SF-25 (Planned Development-Single Family Residential-25,000 square foot minimum) with the following condition:

1. The tree preservation plan shall be approved as presented allowing the early removal of four (4) protected trees on Lots 3, 8, and 12, Block A, equaling thirty-nine (39) caliper inches, with grading for the R.O.W. and drainage infrastructure, and requiring mitigating these inches by planting thirty-nine (39) caliper inches of trees in open space lots, as proposed in Exhibit "A", early removal shall exclude Trees No. 365 and No. 369 on Lots 10 and 11, Block A. Twenty-six (26) additional caliper inches shall be planted and used if further mitigation is required.

Council Member Eric Schmidt seconded the motion. The motion carried with the following vote:

AYES: Mayor Mark Mathews, Council Member Debbie Bryan, Council Member Armin Mizani, Council Member Eric Schmidt, Council Member Bill Hodnett, and Mayor Pro Tem Rick Barnes.

NAYS: Council Member Ed Speakmon.

- I. DISCUSSION - None
- J. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

1. Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.

- (1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
  - (2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.
2. Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.
    - a. Alta Vista Pipeline.
  3. Adjourn into Open Meeting.
  4. Action on Executive Session Items 1 and 2a if necessary.

Item 1 - No action was taken.

Item 2a - No action was taken.

K. ADJOURN

Council Member Debbie Bryan made a motion to adjourn the meeting at 7:58 P.M. Council Member Bill Hodnett seconded the motion. The motion carried unanimously.

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MAYOR

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CITY SECRETARY