



City of Keller

City Council

Meeting Minutes

Keller Town Hall
1100 Bear Creek Parkway
Keller, TX 76248
817-743-4000
www.cityofkeller.com

Tuesday, August 21, 2018

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Pat McGrail called the meeting to order at 5:01 P.M.

The following City Council Members were present:

Mayor Pat McGrail
Mayor Pro Tem Ed Speakmon
Council Member Mitch Holmes
Council Member Sean Hicks
Council Member Eric Schmidt
Council Member Tag Green

Council Member Chris Whatley was absent.

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Services Trina Zais, Director of Public Works Alonzo Linan, Director of Human Resources Kandace Tappen, Director of Information Technology Sean Vreeland, Police Chief Mike Wilson, and Fire Chief David Jones.

B. DISCUSS AND REVIEW AGENDA ITEMS

The Mayor and City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Mayor Pat McGrail 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 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**

a. Johnson Road Coalition, LLC vs. David Hawkins, Planning Manager and City of Keller.

3. **Adjourn into Open Meeting.**

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

No Action was taken.

D. WORK SESSION

1. Discussion with Keller ISD Superintendent Dr. Rick Westfall regarding the KISD Tax Ratification Election.

Dr. Rick Westfall, Keller ISD Superintendent gave an overview of the KISD Tax Ratification Election.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 7:01 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail called the Regular Meeting to order at 7:05 P.M.

B. INVOCATION

Mr. Philip Courtney, Alliance Community Fellowship, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail led the pledges to the United States Flag and the Texas Flag.

1. 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."

D. PROCLAMATIONS & PRESENTATIONS - None

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

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve the Consent Agenda. The motion carried unanimously.

1. Consider approval of the Minutes of the Tuesday, August 7, 2018 Regular City Council Meeting.

Approved

2. **Consider a resolution appointing members to the Board of Directors for the Keller Crime Control and Prevention District Board, as provided for in Section 363.101 of the Texas Local Government Code.**

Resolution No. 4024

3. Consider a resolution approving an agreement with Enterprise Fleet Management for vehicle procurement, mechanical maintenance, and disposal services; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

Resolution No. 4025

4. Consider a resolution approving the FY 2018-19 vehicle replacement purchases through Enterprise Fleet Management and authorizing the City Manager to execute all related purchasing documents on behalf of the City of Keller, Texas

Resolution No. 4026

5. Consider a resolution rejecting the bids for the construction of the Gabion Wall System Repair - Highland Oaks Crossing Project and authorizing the City Manager to re-advertise the project on behalf of the City of Keller, Texas.

Resolution No. 4027

G. OLD BUSINESS

1. Consider a resolution for a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Old Town Keller Zoning District signage requirements, for Turquoise Gypsy, located on approximately 0.04-acres of land on the west side of South Main Street (377), approximately 150 feet southwest of South Main Street (377) and West Hill Street intersection, being Lot 12, Block 3, Keller City Addition, at 156 South Main Street (377), zoned OTK (Old Town Keller). Kasey Jackson, Turquoise Gypsy, applicant; Norma Steward, Steward Realty LLC, owner. (UDC-18-0010)

Ms. Trina Zais, Director of Public Services, gave a presentation relating to a request for a Special Exception to the City of Keller Unified Development Code, Section 8.03 - Old Town Keller Zoning District signage requirements, for Turquoise Gypsy, at 156 South Main Street.

Discussion was held by the City Council.

A motion was made by Mayor Pro Tem Ed Speakmon, seconded by Council Member Tag Green, to deny the request for a Special Exception to the City of Keller Unified Development Code, for Turquoise Gypsy, at 156 South Main Street (377), zoned OTK (Old Town Keller). The motion carried by the following vote:

YEA: Mayor Pat McGrail, Mayor Pro Tem Ed Speakmon, Council Member Sean Hicks, Council Member Eric Schmidt, and Council Member Tag Green.

NAY: Council Member Mitch Holmes.

H. NEW BUSINESS

1. PUBLIC HEARING: Consider an ordinance to approve a Specific Use Permit (SUP) for MD Firstwatch Urgent Care to operate a 'Minor medical emergency clinic', in an approximately 3,658 square-foot building, located on a 0.521-acre tract of land on the southeast corner of Keller Parkway (FM 1709) and Page Street, being Lot 1R, Block 1, Mays and Sweet Addition, at 310 Keller Parkway (FM 1709), and zoned R (Retail). Rali Zali LLC, owner. MJ Wright and Associates, applicant/engineer/architect.

Ms. Katasha Smithers, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) for MD Firstwatch Urgent Care to operate a 'Minor medical emergency clinic', at 310 Keller Parkway.

Applicant addressed the City Council regarding the proposal.

Mayor Pat McGrail opened the public hearing. Ms. Frances Landes, 13425 Lambert Lane West, expressed concerns relating to parking.

A motion was made by Council Member Sean Hicks, seconded by Council Member Tag Green, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1897 approving a Specific Use Permit (SUP) for MD Firstwatch Urgent Care to operate a 'Minor medical emergency clinic', in an approximately 3,658 square-foot building, located on a 0.521-acre tract of land on the southeast corner of Keller Parkway (FM 1709) and Page Street, being Lot 1R, Block 1, Mays and Sweet Addition, at 310 Keller Parkway (FM 1709), and zoned R (Retail) with the following variance:

1. The Specific Use Permit for MD Firstwatch Urgent Care to occupy approximately 3,658 square feet for the use of 'Minor medical emergency clinic' shall be approved.

The motion carried unanimously.

2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for an addition to an accessory building, proposed to be a 1,769 square-foot accessory garage and workshop, with a variance to the building material, on an approximately 2.34-acre tract of land, located on the north side of Simmons Drive, approximately six hundred and fifty feet (650') east of the intersection of Rufe Snow Drive and Simmons Drive, being Lot 18, Block 1, Rolling Oaks Estates Unit 2, at 917 Simmons Drive, and zoned Single Family Residential-36,000 square-foot lot minimum (SF-36). Troy Schank, Owner/applicant. (SUP-18-0018)

Mr. J.P. Ducay, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) for an addition to an accessory building, proposed to be a 1,769 square-foot accessory garage and workshop, at 917 Simmons Drive.

Mayor Pat McGrail, opened the Public Hearing. No public comments were received.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Sean Hicks, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Tag Green, seconded by Mayor Pro Tem Ed Speakmon, to approve Ordinance No. 1898 approving a Specific Use Permit (SUP) for an addition to an accessory building, proposed to be a 1,769 square-foot accessory garage and workshop, with a variance to the building material, on an approximately 2.34-acre tract of land, located on the north side of Simmons Drive, approximately six hundred and fifty feet (650') east of the intersection of Rufe Snow Drive and Simmons Drive with the following variances:

1. The Specific Use Permit request for an approximately 1,769 square-foot detached accessory building is to be approved.
2. The variance request that the accessory building material may not exceed sixty seven percent (67%) steel, twenty seven percent (27%) masonry, and six percent (6%) wood to be approved.

The motion carried unanimously.

3. Consider a resolution of the City Council of the City of Keller, Texas, to consider a proposal to adopt a tax rate that will be lower than the effective and rollback tax rates; and providing an effective date.

Mr. Aaron Rector, Director of Administrative Services, gave a presentation relating to adopting a tax rate of 0.413250 that will be lower than the effective and rollback tax rates.

A motion was made by Mayor Pat McGrail, seconded by Council Member Eric Schmidt, to approve Resolution No. 4028 adopting a tax rate that will be lower than the effective and rollback tax rates; and providing an effective date. The motion carried unanimously.

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 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
 - a. Johnson Road Coalition, LLC vs. David Hawkins, Planning Manager and City of Keller.
- 3. Adjourn into Open Meeting.
- 4. Action on Executive Session Items 1 and 2 if necessary.

K. ADJOURN

A motion was made by Council Member Eric Schmidt, seconded by Council Member Sean Hicks, to adjourn the meeting at 8:36 P.M. The motion carried unanimously.

Mayor

City Secretary