



City of Keller

City Council

Meeting Minutes

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

Tuesday, May 16, 2017

PRE-COUNCIL MEETING 5:00 P.M.

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

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 Chris Whatley
Mayor Pro Tem Rick Barnes

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

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. Adjourn into Open Meeting.

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

3. Action on Executive Session Item 1 if necessary.

- 1. No action was taken.**

D. WORK SESSION

1. FY 2016-17 Quarterly Financial Report through March.

Mr. Aaron Rector, Director of Finance, gave a presentation relating to the FY 2016-17 Quarterly Financial Report through March.

2. Receive a presentation on Contract Management at Risk for Alta Vista Pump Station.

Mr. Alonzo Linan, Director of Public Works, gave a presentation on Contract Management at Risk for Alta Vista Pump Station. Mr. Aaron Rector, Director of Finance gave a presentation relating to the funding of the project.

3. Discuss 2017 Boards and Commissions appointments.

The City Council discussed the 2017 Boards and Commissions appointments.

E. ADJOURN - The Pre-Council Meeting was adjourned by Mayor Mark Mathews at 6:48 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Mark Mathews called the Regular Meeting to order at 7:01 P.M.

B. INVOCATION

Mr. Trey Grant, The Well Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

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."

Mayor Mark Mathews led the pledges to the United States and Texas flags.

D. PROCLAMATIONS & PRESENTATIONS

1. Motorcycle Safety Awareness Month Proclamation.
Mayor Mark Mathews presented a proclamation recognizing May 2017 as Motorcycle Safety Awareness Month.
2. Emergency Medical Services (EMS) Week Proclamation.
Mayor Mark Mathews presented a proclamation to Battalion Chief Shane Gainer announcing May 21-27, 2017 as Emergency Medical Services (EMS) Week.
3. Presentation - Achievement in Excellence Library Award by the Texas Municipal Library Directors Association.
Ms. Shelley Holley, Director of the Frisco Public Library and President of the Texas Municipal Library Directors Association.

E. ELECTIONS

1. Consider a resolution canvassing the General Election duly held in the City of Keller, Texas, on the 6th day of May 2017, for Mayor, City Council Place 5, and City Council Place 6.

A motion was made by Council Member Debbie Bryan, seconded by Council Member Ed Speakmon, to approve a resolution canvassing the General Election duly held in the City of Keller, Texas, on the 6th day of May 2017, for Mayor, City Council Place 5, and City Council Place 6. The motion carried unanimously.

2. Administer the Oath of Office to City Council Place 5.

City Secretary Kelly Ballard administered the Oath of Office to City Council Place 5, Mr. Chris Whatley.

3. Consider a resolution calling a Runoff Election for Mayor and City Council Place 6 for the City of Keller, Texas to be held on the 10th day of June 2017, as set forth by the Charter and the Texas Election Code.

A motion was made by Council Member Debbie Bryan, seconded by Council Member Ed Speakmon, to approve a resolution calling a Runoff Election for Mayor and City Council Place 6 for the City of Keller, Texas to be held on the 10th day of June 2017, as set forth by the Charter and the Texas Election Code. The motion carried unanimously.

F. 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.

Mr. Matt Shaltry, 1323 Johnson Road, expressed his concerns with economic development incentives and processes relating to The Birch tennis facility.

G. CONSENT

1. Consider approval of the Minutes of the Regular City Council Meeting on Tuesday, May 2, 2017.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Eric Schmidt, to approve the minutes of the Regular City Council Meeting on Tuesday, May 2, 2017. The motion carried unanimously.

2. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Tarrant County, for the rehabilitation of portions of Willis Lane, Pearson Lane, Bancroft Road, Mount Gilead Road, and Oakwood Drive, for The Public Works Department.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Eric Schmidt, to approve Resolution No. 3879 authorizing the City Manager to execute an Interlocal Agreement with Tarrant County, for the rehabilitation of portions of Willis Lane, Pearson Lane, Bancroft Road, Mount Gilead Road, and Oakwood Drive, for The Public Works Department. The motion carried unanimously.

3. Consider a resolution authorizing the City Manager to execute a three-year Microsoft Enterprise Agreement with Software House International, for software licenses, maintenance, and associated upgrades.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Eric Schmidt, to approve Resolution No. 3880 authorizing the City Manager to execute a three-year Microsoft Enterprise Agreement with Software House International, for software licenses, maintenance, and associated upgrades. The motion carried unanimously.

4. Consider a resolution adopting 44,620 as the official population as of January 1, 2017, for the City of Keller, Texas.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Eric Schmidt, to approve Resolution No. 3881 adopting 44,620 as the official population as of January 1, 2017, for the City of Keller, Texas. The motion carried unanimously.

5. Consider an ordinance amending the City of Keller Code of Ordinances by amending Chapter 18, Traffic, Article III, Parking Zones, by deleting Section 18-320 (1)(b), Parking on public streets, and adding a new Section 18-320 (1)(b); providing a penalty; providing a severability clause; authorizing publication; and establishing an effective date.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1843 amending the City of Keller Code of Ordinances by amending Chapter 18, Traffic, Article III, Parking Zones, by deleting Section 18-320 (1)(b), Parking on public streets, and adding a new Section 18-320

(1)(b); providing a penalty; providing a severability clause; authorizing publication; and establishing an effective date. The motion carried unanimously.

H. OLD BUSINESS - None

I. NEW BUSINESS

1. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for #1 Foot Massage, a proposed reflexology business in an existing multi-tenant building of approximately 29,750 square feet, on a 4.48-acre lot, located on the west side of Rufe Snow Drive, approximately 800 feet from the Rufe Snow Drive and Bursey Road intersection, at 2122 Rufe Snow Drive, being Lot 1, Block A, Rufe Snow Market Plaza Addition, and zoned R (Retail). SCMR Keller GP, owner. Peizhen Wu, applicant. (SUP-17-0010)

Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for #1 Foot Massage, a proposed reflexology business in an existing multi-tenant building of approximately 29,750 square feet, on a 4.48-acre lot, located on the west side of Rufe Snow Drive, approximately 800 feet from the Rufe Snow Drive and Bursey Road intersection, at 2122 Rufe Snow Drive.

Mayor Mark Mathews opened the public hearing. No public comments were received.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Armin Mizani, to close the public hearing. The motion carried unanimously.

Council Member Debbie Bryan, to approve Ordinance No. 1844 approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for #1 Foot Massage, a proposed reflexology business in an existing multi-tenant building of approximately 29,750 square feet, on a 4.48-acre lot, located on the west side of Rufe Snow Drive, approximately 800 feet from the Rufe Snow Drive and Bursey Road intersection, at 2122 Rufe Snow Drive, being Lot 1, Block A, Rufe Snow Market Plaza Addition, and zoned R (Retail). The motion carried by the following vote:

AYE: 6 - Council Member Armin Mizani, Council Member Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, Mayor Pro Tem Rick Barnes, and Council Member Chris Whatley

NAY: 1 - Mayor Mark Mathews

2. PUBLIC HEARING: Consider an ordinance approving amendments to Ordinance No. 1822, approved on November 1, 2016, amending the previously approved Planned Development for the Birch tennis club and training facility, to allow permanent tennis court buildings, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road, approximately 400 feet north of Johnson Road, at 660 and 680 Keller Smithfield

Road, and zoned PD-SF-36 (Planned Development-Single Family Residential-36,000 square-foot minimum). D.R. Newton, owner. Jennifer Dent, applicant. Adams Engineering, engineer. (Z-17-0007)

Council Member Eric Schmidt and Council Member Debbie Bryan made a statement regarding a request for their recusal.

Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for an ordinance approving amendments to Ordinance No. 1822, approved on November 1, 2016, amending the previously approved Planned Development for the Birch tennis club and training facility, to allow permanent tennis court buildings, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road, approximately 400 feet north of Johnson Road, at 660 and 680 Keller Smithfield Road.

Mr. Jimmy Fechter, Adams Engineering and Development Consultants, addressed the City Council regarding the proposal.

Mayor Mark Mathews opened the public hearing.

The following individuals spoke in support of the proposed Planned Development amendments: Mr. Gerald Kinman, 645 Keller Smithfield Road; Mr. Richard Walton, 661 Keller Smithfield Road; Mr. Rick Stoller, Keller Smithfield Road; Mr. Paul Hafey, 416 Silverado Trail; Mr. Bill Thoma, 633 Keller Smithfield Road; Mrs. Joan Boyal, 1262 Oak Hill Road; and Mr. Felix Mira, 1809 Imperial Springs Drive.

The following individuals spoke in opposition of the Planned Development amendments: Mrs. Celeste Davis, 1207 Johnson Road; Mr. Jeffrey Davis, 1207 Johnson Road; Mr. Matt Shaltry, 1323 Johnson Road; and Mr. Brian Campbell, 1201 Johnson road.

Mr. Doug Miller, 1626 Sarah Brooks, spoke in support of tennis, and in opposition to the variances.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Debbie Bryan, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Debbie Bryan, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1845 approving amendments to Ordinance No. 1822, approved on November 1, 2016, amending the previously approved Planned Development for the Birch tennis club and training facility, to allow permanent tennis court buildings, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road, approximately 400 feet north of Johnson Road, at 660 and 680 Keller Smithfield Road, and zoned PD-SF-36 (Planned Development-Single Family Residential-36,000 square-foot minimum). D.R. Newton, owner. Jennifer Dent, applicant. Adams Engineering, engineer. (Z-17-0007) The motion carried by the following vote:

AYE: 6 - Council Member Armin Mizani, Council Member Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, Mayor Pro Tem Rick Barnes, and Mayor Mark Mathews

ABSTAIN: 1 - Council Member Chris Whatley

3. PUBLIC HEARING: Consider an ordinance approving a Planned Development Zoning Change from SF-8.4 (Single Family Residential-8,400 square-foot minimum) and SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) and PD-SF-15 (Planned Development-Single Family Residential-15,000 square foot minimum) for Westbury Estates, a proposed residential subdivision consisting of twenty four (24) residential lots and two (2) open space lots, located on an approximately 9.57-acre tract of land, being Lots 1-R-1, 1-R-2, and 2-R, Block A, Delamora Addition, located on the southeast corner of Rapp Road and Whitley Road, at 1319 and 1325 Whitley Road and 210 Rapp Road. Sylvia De Lamora, owner. John Shehata, Elite Development and Construction, applicant, Jim Dewey, JDJR Engineers and Consultants, surveyor/engineer. (Z-17-0003)

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Ed Speakmon, to continue the public hearing to the June 6, 2017 Regular City Council Meeting. The motion carried unanimously.

A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Chris Whatley, to table the request for an ordinance approving a Planned Development Zoning Change to the June 6, 2017 Regular City Council Meeting. The motion carried unanimously.

J. DISCUSSION – None

K. 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. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

Item 1. No Action

L. ADJOURN

A motion was made by Council Member Eric Schmidt, seconded by Council Member Debbie Bryan, to adjourn the meeting at 9:04 P.M. The motion carried unanimously

Mayor

City Secretary

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