



# City of Keller

## City Council

### Meeting Minutes

Tuesday, August 15, 2017

#### **PRE-COUNCIL MEETING 5:00 P.M.**

#### **A. CALL TO ORDER - Mayor Pat McGrail called the Pre-Council Meeting to order at 5:01 P.M.**

The following City Council Members were present:

Mayor Pat McGrail  
Mayor Pro Tem Debbie Bryan  
Council Member Ed Speakmon  
Council Member Eric Schmidt  
Council Member Chris Whatley  
Council Member Tag Green

Council Member Armin Mizani arrived at 5:19 P.M.

Administrative personnel present were City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Administrative Services|Human Resources 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.

#### **B. DISCUSS AND REVIEW AGENDA ITEMS**

The 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 other matters permitted by such section.

a. Johnson Road Coalition, LLC vs. Taylor Dent, Jennifer Dent, and David Hawkins.

b. Discuss contemplated litigation regarding joinder of a lawsuit challenging S.B. 1004 of the 85th Regular Session of the Texas Legislature.

3. Adjourn into Open Meeting.

The Pre-Council Meeting was called back to order by Mayor Pat McGrail.

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

No action was taken.

#### **D. WORK SESSION**

1. **Strategic Planning Budget Work Session - Compensation Update.**

Mrs. Carolyn Nivens, Director of Administrative Services / Human Resources, gave a presentation relating to a compensation update.

2. **Strategic Planning Budget Work Session - Water Optimization Study Update.**

Mr. Alonzo Liñán, Public Works Director, gave a presentation relating to a water optimization study update.

3. **Hidden Lakes median maintenance request.**

City Manager Mark Hafner, addressed the City Council regarding the Hidden Lakes median maintenance request. The City Council declined the request.

#### **E. ADJOURN**

The Pre-Council Meeting was adjourned by Mayor Pat McGrail at 6:59 P.M.

#### **REGULAR MEETING 7:00 P.M.**

**A. CALL TO ORDER – Mayor Pat McGrail called the Regular meeting to order at 7:09 P.M.**

#### **B. INVOCATION**

Dr. Michael Wright, Keller First Baptist Church; and Mr. Nathan Tucker, Alliance

Community Fellowship, gave the invocations.

## **C. PLEDGE OF ALLEGIANCE**

Mayor Pat McGrail led the Pledge to the United States and the Texas Flags.

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**

1. **Proclamation - September is Blood Cancer Awareness Month.**

Mayor Pat McGrail presented a proclamation to Mr. Brian Brooks of The Leukemia and Lymphoma Society for September being named as Blood Cancer Awareness month.

## **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.

Mr. Eric Butcher, 700 Waters Edge, expressed his concerns with screening and the uses proposed for the Highland Oaks Crossing Old Business agenda item.

Ms. Bonnie Baker, 440 S. Pearson Lane, expressed her concerns with the proposed development on Union Church Road that will be addressed as Old Business Item No. 2.

Mrs. Tonya Fuqua and Mr. Steve Fuqua, 2034 Union Church Road, expresses their concerns with the proposed Planned Development Zoning Change for Enclave at Sky Creek.

## **F. CONSENT**

1. Consider approval of the Minutes of the Regular City Council Meeting on Tuesday, July 18, 2017.

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Eric Schmidt, to approve the Minutes of the Regular City Council Meeting on Tuesday, July 18, 2017. The motion carried unanimously.**

2. Consider approval of the Minutes of the Special City Council Meeting on Tuesday, July 25, 2017.

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Eric Schmidt, to approve the Minutes of the Special City Council Meeting on Tuesday, July 25, 2017. The motion carried unanimously.**

3. Consider approval of the Minutes of the Regular City Council Meeting on Tuesday, August 1, 2017.

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Eric Schmidt, to approve the Minutes of the Regular City Council Meeting**

**on Tuesday, August 1, 2017. The motion carried unanimously.**

4. Consider a resolution approving Amendment No. 1 to the Professional Services Agreement with J. Volk Consulting, Inc., of Southlake, Texas, relating to the North Main Water Line Improvements Project, for the Public Works Department, and further authorizes the City Manager to execute said amendment No. 1 relating thereto on behalf of the City of Keller, Texas.

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3910 approving contract amendment #1 with J. Volk Consulting for the North Main Street Water Line Improvements Project. The motion carried unanimously.**

5. Consider a resolution appointing City Council Members to serve on various Boards and Committees.

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3911 appointing the following City Council Members to serve on various Boards and Committees:**

**Keller Economic Development Board**

1. Mayor Pat McGrail - Chair
2. Council Member Armin Mizani

**Keller Development Corporation**

1. Mayor Pat McGrail - Chair
2. Mayor Pro Tem Debbie Bryan
3. Council Member Armin Mizani
4. Council Member Tag Green

**Finance Committee**

1. Mayor Pat McGrail
2. Council Member Eric Schmidt
3. Council Member Tag Green

**Crime Control and Prevention District Board Liaison**

1. Council Member Ed Speakmon

**Metroport Teen Court Advisory Board**

1. Mayor Pro Tem Debbie Bryan

**NCTCOG General Representative**

1. Mayor Pat McGrail

**Keller/Colleyville Municipal Court Committee**

1. Mayor Pat McGrail
2. Mayor Pro Tem Debbie Bryan
3. Council Member Ed Speakmon

**The motion carried unanimously.**

## **G. OLD BUSINESS**

1. Consider an ordinance approving a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a proposed 11,900 square-foot non-residential development, located on a 1.894-acre tract of land out of the John Edmonds Survey, Abstract No. 457, Tract 3H, on the north side of North Tarrant Parkway, approximately 980 feet north of Rufe Snow Drive, at 1801 Rufe Snow Drive, and zoned PD-NS (Planned Development-Neighborhood Service). Frank Roszell, owner. Michael J. Wright, M. J. Wright & Associates, Inc., applicant/developer. (Z-17-0004)

Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for an ordinance approving a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a proposed 11,900 square-foot non-residential development.

Mr. Frank Roszell, property owner, addressed the City Council regarding the proposal.

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Debbie Bryan, to approve Ordinance No. 1856 approving a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a proposed 11,900 square-foot non-residential development, located on a 1.894-acre tract of land out of the John Edmonds Survey, Abstract No. 457, Tract 3H, on the north side of North Tarrant Parkway, approximately 980 feet north of Rufe Snow Drive, at 1801 Rufe Snow Drive, and zoned PD-NS (Planned Development-Neighborhood Service) with the following conditions:**

1. **The variance request to allow the building to exceed the maximum threshold of six thousand (6,000) square feet specific to this zoning district shall be allowed.**
2. **The variance request to allow the twenty-five foot (25') landscape buffer along Rufe Snow Drive shall be allowed.**
3. **The variance request to waive the buffer trees within the east landscape buffer shall be allowed.**
4. **The variance request to waive the ten-foot (10') landscape buffer and buffer tree requirements along the south property line shall be allowed.**
5. **The variance request to waive the six-foot (6') screening wall along the east property line shall be allowed.**
6. **Additional landscaping shall be required along the east side of the development outside of the gas line easement.**

**The motion carried unanimously.**

2. Consider an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for

Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven (11) residential lots and two (2) open space lots, on a portion of an approximately 9.4-acre property, being Tracts 4D, 4E, 4G, 4H and 4J, out of the Lewis A. Clay Survey, Abstract No. 346, located on the south side of the Union Church Road and Pearson Lane intersection, addressed as 2012, 2022, and 2030 Union Church Road. Larry and Gwen Pipes, Ronny and Jeanette Pipes, owners. DR Trinity Land, applicant/developer. Thomas Hoover Engineering, engineer. (Z-17-0009)

Mr. David Hawkins, Planning Manager, gave a presentation related to a request for an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for Enclave at Sky Creek.

Mr. Rich Deotte, DR Trinity Land, addressed the City Council regarding the proposal.

**A motion was made by Council Member Armin Mizani, seconded by Council Member Tag Green, to approve an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven (11) residential lots and two (2) open space lots, on a portion of an approximately 9.4-acre property, being Tracts 4D, 4E, 4G, 4H and 4J, out of the Lewis A. Clay Survey, Abstract No. 346, located on the south side of the Union Church Road and Pearson Lane intersection, addressed as 2012, 2022, and 2030 Union Church Road. The motion failed due to lack of a super-majority by the following vote:**

**AYE: Mayor Pat McGrail, Council Member Armin Mizani, Council Member Chris Whatley, Council Member Eric Schmidt, and Council Member Tag Green.**

**NAY: Mayor Pro Tem Debbie Bryan and Council Member Ed Speakmon.**

**Discussion was held by the City Council.**

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Eric Schmidt, to table the agenda item to the September 5, 2017 City Council Meeting. The motion carried unanimously.**

## **H. NEW BUSINESS**

1. Consider an ordinance amending Chapter 15.5 of the Code of Ordinances of the City of Keller, Texas by repealing the current Chapter 15.5 entitled "Streets, Sidewalks, and Public Rights-of-Way Management" and replacing it with a new Chapter 15.5 "Right-of-Way Management".

Mr. Alonzo Linan, Director of Public Works, gave a presentation relating to a request for an ordinance amending Chapter 15.5 of the Code of Ordinances of the City of Keller,

Texas by repealing the current Chapter 15.5 entitled "Streets, Sidewalks, and Public Rights-of-Way Management" and replacing it with a new Chapter 15.5 "Right-of-Way Management".

**A motion was made by Council Member Armin Mizani, seconded by Council Member Debbie Bryan, to approve Ordinance No. 1857 amending Chapter 15.5 of the Code of Ordinances of the City of Keller, Texas by repealing the current Chapter 15.5 entitled "Streets, Sidewalks, and Public Rights-of-Way Management" and replacing it with a new Chapter 15.5 "Right-of-Way Management". The motion carried unanimously.**

2. Consider a resolution of the City Council of the City of Keller, Texas, to consider a proposal to adopt a tax rate that will exceed the lower of the effective tax rate or the rollback rate; calling two (2) public hearings to be held at 7:00 p.m., on September 5, 2017, and 6:00 p.m., on September 12, 2017, at Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas; requiring publication of a notice of public hearing, in accordance with Chapter 26.06 of the Texas Tax Code; requiring a record vote; and providing an effective date.

Mr. Aaron Rector, Director of Finance, gave a presentation relating to a proposal to adopt a tax rate that will exceed the lower of the effective tax rate or the rollback rate; calling two (2) public hearings to be held at 7:00 p.m., on September 5, 2017, and 6:00 p.m., on September 12, 2017, at Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas; requiring publication of a notice of public hearing, in accordance with Chapter 26.06 of the Texas Tax Code; requiring a record vote; and providing an effective date.

**A motion was made by Mayor Pat McGrail, seconded by Council Member Debbie Bryan, to approve Resolution No. 3912 adopting a tax rate that will exceed the lower of the effective tax rate or the rollback rate; calling two (2) public hearings to be held at 7:00 p.m., on September 5, 2017, and 6:00 p.m., on September 12, 2017, at Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas; requiring publication of a notice of public hearing, in accordance with Chapter 26.06 of the Texas Tax Code; requiring a record vote; 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 other matters permitted by such section.

a. Johnson Road Coalition, LLC vs. Taylor Dent, Jennifer Dent, and David Hawkins.

b. Discuss contemplated litigation regarding joinder of a lawsuit challenging S.B. 1004 of the 85th Regular Session of the Texas Legislature.

3. Adjourn into Open Meeting.

The Pre-Council Meeting was called back to order by Mayor Pat McGrail.

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

No action was taken.

## K. ADJOURN

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Chris Whatley, to adjourn the meeting at 9:24 P.M. The motion carried unanimously.**

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Mayor

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City Secretary