



City of Keller

City Council

Meeting Minutes

Tuesday, September 5, 2017

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Pat McGrail called the Pre-Council meeting to order at 5:04 P.M.

The following City Council Members were present:

Mayor Pat McGrail
Mayor Pro Tem Debbie Bryan
Council Member Armin Mizani
Council Member Ed Speakmon
Council Member Eric Schmidt
Council Member Chris Whatley (arrived at 5:12 P.M.)
Council Member Tag Green (arrived at 5:11 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

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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. Taylor Dent, Jennifer Dent, and David Hawkins.

b. Petition for Referendum.

3. Adjourn into Open Meeting.

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

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

No action was taken.

D. WORK SESSION

The City Council postponed the work session items.

1. Discuss procedures for video conferencing.
2. Overview of the US 377 Sewer Line Extension.
3. FY 2016-17 Quarterly Financial Report through June.

E. ADJOURN

The Pre-Council Meeting was adjourned by Mayor Pat McGrail at 7:23 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail called the meeting to order at 7:28 P.M.

B. INVOCATION

Mr. Gwynmar Fraser, Calvary Life Church, and Mr. Zachary Moore, Keller Humanists gave the invocations.

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

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.

Mr. Steve Fuqua, 2034 Union Church Road, expressed his support of the proposed Enclave at Sky Creek development.

Mr. Dana Williams, 321 Farm View Trail, expressed his concerns with the petition relating to the economic development incentives for The Birch.

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 City Council Meeting on Tuesday, August 15, 2017.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve the Minutes of the Regular City Council Meeting on Tuesday, August 15, 2017. The motion carried unanimously.
2. Consider a resolution authorizing the City Manager to execute the Letter of Understanding with CIGNA of Bloomfield, Connecticut, for the City of Keller Employee Medical Insurance, from October 1, 2017 through September 30, 2018.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 3913 authorizing the City Manager to execute the Letter of Understanding with CIGNA of Bloomfield, Connecticut, for the City of Keller Employee Medical Insurance, from October 1, 2017 through September 30, 2018. The motion carried unanimously.
3. Consider a resolution authorizing the City Manager to execute a Service Plan with Physio-Control, Inc. for the maintenance and service of equipment for the Fire Department on behalf of the City of Keller, Texas.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 3914 authorizing the City Manager to execute a Technical Service Support Agreement with Physio-Control, Inc. for the maintenance and service of equipment for the Fire Department on behalf of the City of Keller, Texas. The motion carried unanimously.

4. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with the City of Fort Worth, Texas, for participation in the City of Fort Worth Environmental Collection Center Household Hazardous Waste Program.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 3915 authorizing the City Manager to execute an Interlocal Agreement with the City of Fort Worth for participation in the Household Hazardous Waste Collection Program. The motion carried unanimously.
5. Consider a resolution adopting and amending the City of Keller Financial Management Policy as approved and recommended by the City of Keller Finance Committee.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 3916 adopting and amending the City of Keller Financial Management Policy as approved and recommended by the City of Keller Finance Committee. The motion carried unanimously.
6. Consider a resolution adopting and amending the City of Keller Purchasing Policy as approved and recommended by the City of Keller Finance Committee.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 3917 adopting and amending the City of Keller Purchasing Policy as approved and recommended by the City of Keller Finance Committee. The motion carried unanimously.
7. Consider a resolution receiving the Keller Quarterly Investment Report for period ending June 30, 2017, and providing an effective date.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 3918 receiving the Keller Quarterly Investment Report for period ending June 30, 2017, and providing an effective date. The motion carried unanimously.
8. Consider a resolution adopting and amending the City of Keller Investment Policy as approved and recommended by the City of Keller Finance Committee.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 3919 adopting and amending the City of Keller Investment Policy as approved and recommended by the City of Keller Finance Committee. The motion carried unanimously.

G. OLD BUSINESS

1. 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

Ms. Michele Berry, Senior Planner, gave a presentation relating 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, 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.

Mr. Rich Deotte, applicant, was present to address the City Council.

A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1858 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 with the following conditions:

- 1. The condition that on the east side of the property an open cross board style fence reflecting the existing fence on the property to the east shall be constructed and maintained by the Homeowners Association, except that no masonry columns are required and the fence may be built of two foot by six foot (2'x6') boards instead of one foot by six foot (1'x6') boards, shall be required.**
- 2. The variance to allow a minimum lot width of one hundred ten feet (110') in the SF-30 base zoning district shall be allowed.**
- 3. The variance to the minimum side yard setback to be twelve feet (12') in the SF-30 base zoning district shall be allowed.**
- 4. The variance to allow a shared access easement to be a minimum forty-four feet (44') in width shall be allowed.**
- 5. The variance to allow a low wall with iron fence and living screening in-lieu of a six-foot (6') screening wall shall be allowed.**

The motion carried unanimously.

H. NEW BUSINESS

1. Present and take action on a Petition For Referendum requiring that the City Council repeal Resolution No. 3909, and the vote of City Council 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 The Birch Racquet and Lawn Club, or be submitted to the voters of this City for approval or disapproval.

A motion was made by Council Member Armin Mizani, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 2920 ordering a special election to be held in the City of Keller, Texas on May 5, 2018, for the approval or disapproval of the passage of Resolution No. 3909 approving a Chapter 380 Economic Development Program Agreement with The Birch Racquet and Lawn Club. The motion carried unanimously.

2. Consider a resolution approving a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a four and a half-foot (4.5') tall cedar cross back fence to be allowed in the front yard, located on 0.459-acres of land, on the south side of Ravenwood Drive, approximately one hundred fifteen feet (115') from the Ravenwood Drive intersection, at 2580 Ravenwood Drive, being Lot 11, Block B, Ravenwood Addition, and zoned SF-20 (Single Family Residential - 20,000 square-foot lot size minimum). Roark and Jill Waddell, owners/applicants. (UDC-17-0014)

Ms. Michele Berry, Senior Planner, gave a presentation relating to a request for a resolution approving a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a four and a half-foot (4.5') tall cedar cross back fence to be allowed in the front yard, located on 0.459-acres of land, on the south side of Ravenwood Drive, approximately one hundred fifteen feet (115') from the Ravenwood Drive intersection, at 2580 Ravenwood Drive.

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3921 approving a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a four and a half-foot (4.5') tall cedar cross back fence to be allowed in the front yard, located on 0.459-acres of land, on the south side of Ravenwood Drive, approximately one hundred fifteen feet (115') from the Ravenwood Drive intersection, at 2580 Ravenwood Drive, being Lot 11, Block B, Ravenwood Addition, and zoned SF-20 (Single Family Residential - 20,000 square-foot lot size minimum) with the following condition:

1. The variance request for a four and a half-foot (4.5') cedar cross back fence to be located within the front yard, in front of the house, up to the thirty-foot (30') front yard building setback in lieu of a maximum fence height of thirty-six inches (36") shall be allowed.

The motion carried unanimously.

3. **PUBLIC HEARING:** Consider an ordinance approving a zoning change from SF-36 (Single Family-36,000 square-foot minimum) to PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum) for a proposed two (2) lot subdivision, located on an approximately 1.99-acre tract of land, being Lot 16R, Keller Heights North Addition, located on the east side of Bourland Road, approximately 110 feet south of La Vena Street, at 1117 Bourland Road. Ron Holifield, owner. Karen Mitchell, Karen Mitchell Planning Group, applicant. Texas Surveying, Inc., surveyor. (Z-17-0011)

Ms. Michele Berry, Senior Planner, gave a presentation relating to a request for an ordinance approving a zoning change from SF-36 (Single Family-36,000 square-foot minimum) to PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum) for a proposed two (2) lot subdivision, located on an approximately 1.99-acre tract of land, being Lot 16R, Keller Heights North Addition, located on the east side of Bourland Road, approximately 110 feet south of La Vena Street, at 1117 Bourland Road.

Ms. Karen Mitchell, Mitchell Planning Group, LLC gave a presentation and addressed the City Council regarding the proposal.

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 Tag Green, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to table the request for an ordinance approving a zoning change from SF-36 (Single Family-36,000 square-foot minimum) to PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum) for a proposed two (2) lot subdivision, located on an approximately 1.99-acre tract of land, being Lot 16R, Keller Heights North Addition, located on the east side of Bourland Road, approximately 110 feet south of La Vena Street, at 1117 Bourland Road. The motion carried by the following vote:

AYES: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, Council Member Chris Whatley, and Council Member Tag Green.

NAY: Council Member Armin Mizani.

4. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.08 Landscape Requirements, for Keller ISD New Career and Technology Center, located on approximately 50.60 acres of land bounded on the north by North Tarrant Parkway, bounded on the east by Willis Lane, bounded on the south by Bursey Road and bounded on the west by Whitley Road, at 305 North Tarrant Parkway, being Lot 1, Block A of the K.I.S.D. Bursey Road Addition, and zoned PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square foot lots). Keller Independent School District, property owner. Sangeetha Karthik, Corgan & Associates., architect/applicant. (UDC-17-0015)

Ms. Michele Berry, Senior Planner, gave a presentation relating to a request for a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.08 Landscape Requirements, for Keller ISD New Career and Technology Center, located on approximately 50.60 acres of land bounded on the north by North Tarrant Parkway, bounded on the east by Willis Lane, bounded on the south by Bursey Road and bounded on the west by Whitley Road, at 305 North Tarrant Parkway.

Mr. Billy Kid, KISD Tag Green was called to speak.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Armin Mizani, to approve Resolution No. 3922 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.08 Landscape Requirements, for Keller ISD New Career and Technology Center, located on approximately 50.60 acres of land bounded on the north by North Tarrant Parkway, bounded on the east by Willis Lane, bounded on the south by Bursey Road and bounded on the west by Whitley Road, at 305 North Tarrant Parkway, being Lot 1, Block A of the K.I.S.D. Bursey Road Addition, and zoned PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square foot lots) with the following condition:

- 1. The variance request to allow ornamental trees in lieu of the thirteen (13) canopy trees to be planted in the wider portion of the Whitley Road landscape buffer shall be allowed.**

The motion carried unanimously.

- 5. Consider a resolution approving a Site Plan with variances to the City of Keller Unified Development Code for Keller Fire Station No. 2, a proposed 4,978 square-foot additional building, on an approximately 4.5-acre property, located on the east side of Keller Smithfield Road, approximately 1,200 feet north of Johnson Road, at 737 Keller Smithfield Road, being Lot 1, Block 1, Cedar Creek Addition, and zoned SF-36 (Single Family Residential-36,000 square-foot minimum). City of Keller, owner/applicant. Teague Nall and Perkins, engineer. (SP-17-0013)**

Ms. Michele Berry, Senior Planner, gave a presentation relating to a request for a resolution approving a Site Plan with variances to the City of Keller Unified Development Code for Keller Fire Station No. 2, a proposed 4,978 square-foot additional building, on an approximately 4.5-acre property, located on the east side of Keller Smithfield Road, approximately 1,200 feet north of Johnson Road, at 737 Keller Smithfield Road.

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Debbie Bryan, to approve Consider a resolution approving a Site Plan with variances to the City of Keller Unified Development Code for Keller Fire Station No. 2, a proposed 4,978 square-foot additional building, on an approximately 4.5-acre property, located on the east side of Keller Smithfield Road,

approximately 1,200 feet north of Johnson Road, at 737 Keller Smithfield Road, being Lot 1, Block 1, Cedar Creek Addition, and zoned SF-36 (Single Family Residential-36,000 square-foot minimum) with the following condition:

1. The variance request to waive the masonry screening wall adjacent to residential property required by Section 8.13 of the UDC shall be allowed.

The motion carried unanimously.

6. PUBLIC HEARING: Consider a proposal to adopt a tax rate of \$0.42750 per \$100 of taxable valuation, and announce the vote on the tax rate will be held at 7:00 p.m. on September 19, 2017 at Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas; in accordance with Chapter 26.06 of the Texas Tax Code.

Mr. Aaron Rector, Director of Finance, gave a presentation relating to a proposal to adopt a tax rate of \$0.42750 per \$100 of taxable valuation, and announce the vote on the tax rate will be held at 7:00 p.m. on September 19, 2017 at Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas; in accordance with Chapter 26.06 of the Texas Tax Code.

Mayor Pat McGrail opened the public hearing. No public comments were received.

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

No action was required at this time.

I. DISCUSSION – None

J. EXECUTIVE SESSION

Mayor Pat McGrail recessed the Regular Meeting at 8:53 P.M. so that the City Council could resume in Executive Session.

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. Taylor Dent, Jennifer Dent, and David Hawkins.

b. Petition for Referendum.

3. Adjourn into Open Meeting.

Mayor Pat McGrail called the Regular Meeting back to order.

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

No action was taken in the Regular Meeting.

K. ADJOURN

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to adjourn the meeting at 10:03 P.M. The motion carried unanimously.

DRAFT