



## **City of Keller**

### **City Council**

### **Meeting Minutes**

**Tuesday, October 17, 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 via teleconference at 8:19 P.M.)**

**Council Member Tag Green**

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

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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.

1. Consider one Economic Development Chapter 380 Incentive Request from Equity Ventures (Natural Grocers).
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.
  - b. Meadows at Bear Creek Homeowners' Association Inc. vs. David Hawkins, Planning Manager and City of Keller.
3. Adjourn into Open Meeting.
4. Action on Executive Session Items 1a, 2a, and 2b if necessary.

**No action was taken.**

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

1. Zoning and Future Land Use Plan Clarification.

**Council Member Tag Green led a discussion relating to clarification on zoning and the Future Land Use Plan.**

2. City Council Work Session procedures.

**Council Member Tag Green led a discussion relating to Work Session procedures.**

#### **E. ADJOURN**

**Mayor Pat McGrail adjourned the Pre-Council meeting at 7:03 P.M.**

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

**A. CALL TO ORDER – Mayor Pat McGrail called the meeting to order at 7:10 P.M.**

#### **B. INVOCATION**

Mr. Cory Collins, Keller Church of Christ, and Mr. Ron Williams, Covenant Church, gave the invocations.

## **C. PLEDGE OF ALLEGIANCE**

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

## **D. PROCLAMATIONS & PRESENTATIONS**

1. Proclamation – Childhood Cancer Awareness Month, September 2017.  
**Ms. Vicky Bridier, Chapter Director, “The Cure Starts Here” accepted the proclamation.**
1. Presentation – Keller Farmers Market Annual Report.  
**Mr. Brian Boerner, KFM Secretary, presented the Keller Farmers Market Annual 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**

**Item F-8 will be considered separately.**

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.

1. Consider approval of the Minutes of the Tuesday, September 19, 2017 Regular City Council Meeting.

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve the Minutes of the Tuesday, September 19, 2017 Regular City Council Meeting. The motion carried unanimously.**

2. Consider a resolution authorizing the City Manager to execute a professional services agreement with Pacheco Koch Consulting Engineers, Inc., of Fort Worth, Texas, for the design and TxDot administration of the Whitley Road Safe Routes to School Project, for the Parks and Recreation Department.

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3930 authorizing the City**

**Manager to execute a professional services agreement with Pacheco Koch Consulting Engineers, Inc., of Fort Worth, Texas, for the design and TxDot administration of the Whitley Road Safe Routes to School Project, for the Parks and Recreation Department. The motion carried unanimously.**

3. 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.

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3931 appointing the following 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.**

**Citizens-at-large: Mark Jones  
Peter Donnelly  
Tyra Jordan  
Matthew Donaldson**

**The motion carried unanimously.**

4. Consider a resolution approving a Site Plan for Braum's, a proposed 6,094 square foot square-foot restaurant with drive-thru on an 1.45-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 1,000 east of Town Center Lane, at 1221 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center). Retail Buildings Inc., owner. Braum's Ice Cream, applicant/developer. Grubbs Consulting, LLC, engineer (SP-17-0014).

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3932 approving a Site Plan for Braum's, a proposed 6,094 square foot square-foot restaurant with drive-thru on an 1.45-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 1,000 east of Town Center Lane, at 1221 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center). The motion carried unanimously.**

5. Consider a resolution authorizing the City Manager to execute a contract with North Texas Contracting for the construction of the Mt. Gilead Road Shared Use Path Project, for the Parks and Recreation Department, on behalf of the City of Keller.

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3933 authorizing the City Manager to execute a contract with North Texas Contracting for the construction of the Mt. Gilead Road Shared Use Path Project, for the Parks and Recreation Department, on behalf of the City of Keller. The motion carried unanimously.**

6. Consider a resolution approving a professional services agreement with Wade Trim, of Roanoke, Texas, for the Public Works Department, for the 2018 Residential Street Reconstruction Project, and authorizing the City Manager to execute all contract

documents related thereto on behalf of the City of Keller, Texas.

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3934 approving a professional services agreement with Wade Trim, of Roanoke, Texas, for the Public Works Department, for the 2018 Residential Street Reconstruction Project, and authorizing the City Manager to execute all contract documents related thereto on behalf of the City of Keller, Texas. The motion carried unanimously.**

7. Consider a resolution approving a professional services agreement with Halff Associates, of Fort Worth, Texas, for the 2017 Residential Street Reconstruction Project for the Public Works Department, and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3935 approving a professional services agreement with Halff Associates, of Fort Worth, Texas, for the 2017 Residential Street Reconstruction Project for the Public Works Department, and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously.**

8. Consider a resolution approving a professional service agreement for a planning level citywide intersection analysis update, with Kimley-Horn, of Fort Worth, Texas, for the Public Works Department, and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

**A motion was made by Council Member Tag Green, seconded by Council Member Armin Mizani, to approve table the agenda item to the November 7, 2017 Regular City Council Meeting. The motion carried unanimously.**

9. Consider a resolution approving the Fiscal Year 2017-2018 purchase of concrete lifting and stabilization services from Nortex Concrete Lift and Stabilization Inc. of Fort Worth, Texas, through an Interlocal Agreement with the City of Grand Prairie, Texas, dated October 7, 2008, for the Public Works Department, and authorizing the City manager to execute all documents related thereto on behalf of the City of Keller, Texas.

**A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3936 approving the Fiscal Year 2017-2018 purchase of concrete lifting and stabilization services from Nortex Concrete Lift and Stabilization Inc. of Fort Worth, Texas, through an Interlocal Agreement with the City of Grand Prairie, Texas, dated October 7, 2008, for the Public Works Department, and authorizing the City manager to execute all documents related thereto on behalf of the City of Keller, Texas. The motion carried unanimously.**

10. Consider a resolution approving the purchase of four (4) marked replacement police vehicles, one (1) unmarked criminal investigations police vehicle and one (1) unmarked police administration vehicle from the Buy Board Cooperative Purchasing Program, for the Police Department.

A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Resolution No. 3937 approving the purchase of four (4) marked replacement police vehicles, one (1) unmarked criminal investigations police vehicle and one (1) unmarked police administration vehicle, in the total amount of \$177,461.00, from the Buy Board Cooperative Purchasing Program, for the Police Department. The motion carried unanimously.

## **G. OLD BUSINESS**

1. 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)

*Mrs. 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, Karen Mitchell Planning Group, applicant, gave a presentation relating to the proposal.*

*Mr. Ron Holifield, owner, addressed the City Council regarding the proposal.*

A motion was made by Council Member Armin Mizani, seconded by Council Member Eric Schmidt, to approve 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, at 1117 Bourland Road. The motion failed by the following vote:

**AYE:** 3 - Mayor Pat McGrail, Council Member Armin Mizani, and Council Member Eric Schmidt.

**NAY:** 3 - Mayor Pro Tem Debbie Bryan, Council Member Ed Speakmon, and Council Member Tag Green.

**Council Member Chris Whatley joined the meeting at 8:19 P.M.**

A motion was made by Council Member Armin Mizani, seconded by Council Member Eric Schmidt, to table the agenda item to the November 7, 2017 Regular City Council Meeting. The motion carried unanimously.

## **H. NEW BUSINESS**

1. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.07, Off Street Parking and Loading Requirements, to allow front facing garage doors, approximately two hundred fifty two (252) square feet in total, exceeding the maximum allowed seventy two (72) square feet of front facing garage door exposure to the street, located on an approximately 0.81 acre tract of land on the north side of Meadowview Drive approximately 900 feet east of the intersection of Meadowview Drive and North Pearson Lane, being Lot 6, Block 1, Timberknoll Southshore Addition, at 2051 Meadowview Lane, and zoned SF 20 (Single Family 20,000 square foot minimum). Deborah Ramsay, owner/applicant. (UDC 17 0019)

*Mrs. 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/Development Standards, Tree Preservation, Section 8.07, Off Street Parking and Loading Requirements, to allow front facing garage doors, approximately two hundred fifty two (252 square feet) in total, exceeding the maximum allowed seventy two (72) square feet of front facing garage door exposure to the street, located on an approximately 0.81 acre tract of land on the north side of Meadowview Drive approximately 900 feet east of the intersection of Meadowview Drive and North Pearson Lane, being Lot 6, Block 1, Timberknoll Southshore Addition, at 2051 Meadowview Lane.*

*Mrs. Deborah Ramsay, owner/applicant addressed the City Council regarding the proposal.*

**A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to table the agenda item to the November 7, 2017 Regular City Council Meeting. The motion carried by the following vote:**

**AYE:** 6 - Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Armin Mizani, Council Member Ed Speakmon, Council Member Eric Schmidt, and Council Member Tag Green.

**NAY:** 1 - Council Member Chris Whatley.

2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for a 1,997 square-foot barn, located on 2.3-acres, on the south side of Bancroft Road, approximately 1,400 feet east of Bourland Road, at 640 Bancroft Road, being Lot 3, Block A, Leidy Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). Kenneth Slough, owner/applicant, Joe Martin Homes, applicant/developer. (SUP-17-0018)

*Mrs. Michele Berry, Senior Planner, gave a presentation relating to a request for an ordinance approving Specific Use Permit (SUP) for a 1,997 square-foot barn, located on 2.3-acres, on the south side of Bancroft Road, approximately 1,400 feet east of Bourland Road, at 640 Bancroft Road.*

*Mr. Kenneth Slough, owner/applicant, addressed the City Council.*

**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 Armin Mizani, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1863 approving a Specific Use Permit (SUP) for a 1,997 square-foot barn, located on 2.3-acres, on the south side of Bancroft Road, approximately 1,400 feet east of Bourland Road, at 640 Bancroft Road, being Lot 3, Block A, Leidy Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum), with the following condition:

1. The Specific Use Permit for a 1,997 square foot accessory building is contingent upon the building of the primary home as shown in Exhibit A.

The motion carried unanimously.

3. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for a single-story 12,188 square-foot multi-tenant retail building, located on a 1.70-acre lot, at the west side of the Rufe Snow Drive and Bear Creek Parkway intersection, being Lot 5, Block A, Moviehouse Addition, at 242 Rufe Snow Drive, and zoned TC (Town Center). Blake Robinson, owner. Realty Capital Management, LLC, applicant. (SUP-17-0016)

*Mrs. Michele Berry, Senior Planner gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) for a single-story 12,188 square-foot multi-tenant retail building, and a Site Plan for a single-story 12,188 square-foot multi-tenant retail building with variances to the site layout, landscaping elements, building façade, and parking requirements, located on a 1.70-acre lot, at the west side of the Rufe Snow Drive and Bear Creek Parkway intersection, being Lot 5, Block A, Moviehouse Addition, at 242 Rufe Snow Drive.*

*Mr. Darren Cain, Realty Capital Management, LLC, applicant, addressed the City Council.*

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 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 Ed Speakmon, to approve Ordinance No. 1864 approving a Specific Use Permit (SUP) for a single-story 12,188 square-foot multi-tenant retail building, located on a 1.70-acre lot, at the west side of the Rufe Snow Drive and Bear Creek Parkway intersection, being Lot 5, Block A, Moviehouse Addition, at 242 Rufe Snow Drive, and zoned TC (Town Center), with the following condition:

1. A Specific Use Permit for a 12,188 square-foot single-story multi-tenant retail building at 242 Rufe Snow Drive, in the Town Center Zoning District provided that the minimum building height is twenty feet (20') to be considered.



**The motion carried unanimously.**

4. Consider a resolution approving a Site Plan for a single-story 12,188 square-foot multi-tenant retail building with variances to the site layout, landscaping elements, building façade, and parking requirements, located on a 1.70-acre lot, at the west side of the Rufe Snow Drive and Bear Creek Parkway intersection, being Lot 5, Block A, Moviehouse Addition, at 242 Rufe Snow Drive, and zoned TC (Town Center). Blake Robinson, owner. Realty Capital Management, LLC, applicant, Middleton & Associates, LLC, engineer. (SP-17-0015)

**A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Tag Green, to approve Resolution No. 3938 approving a Specific Use Permit (SUP) for a 1,997 square-foot barn, located on 2.3-acres, on the south side of Bancroft Road, approximately 1,400 feet east of Bourland Road, at 640 Bancroft Road, being Lot 3, Block A, Leidy Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum), with the following variances:**

1. **A variance request for the exterior wall surfaces to be approximately fifty percent (50%) brick and stone and approximately fifty percent (50%) stucco in lieu of seventy-five percent (75%) brick or stone and twenty-five percent (25%) stucco, fibrous cement, split-face block, or other masonry materials shall be allowed.**
2. **A variance request to utilize a flat roof design shall be allowed.**
3. **A variance request to reduce the parking space requirements from seventy-four (74) spaces to seventy (70) spaces shall be allowed.**
4. **A variance to reduce the foundation landscaping width along the front of the building from five feet (5') to three feet (3') shall be allowed.**
5. **A variance to reduce the front landscape buffer from thirty feet (30') to five feet (5') along Rufe Snow Drive shall be allowed.**
6. **Additional landscaping shall be required along the rear of the building**

**The motion carried unanimously.**

5. **PUBLIC HEARING:** Consider an Ordinance approving a Specific Use Permit (SUP) for Tangle Salon and Boutique, a proposed “Beauty Salon Stand Alone” and “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX”, located in an existing 1,300 structure on the east side of 130 E. Hill Street, a 0.230-acre lot on the south side of East Hill Street, approximately 200 feet west of Elm Street, being Lot 14R1R, Block 10, City of Keller Addition, and zoned OTK (Old Town Keller). Edward and Donna Kirkwood, owners. Ms. Auben Moreno, applicant. (SUP-17-0019)

*Mrs. Michele Berry, Senior Planner, gave a presentation relating to a request for a Ordinance approving a Specific Use Permit (SUP) for Tangle Salon and Boutique, a proposed “Beauty Salon Stand Alone” and “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX”, located in an existing 1,300 structure on*

*the east side of 130 E. Hill Street, a 0.230-acre lot on the south side of East Hill Street, approximately 200 feet west of Elm Street, being Lot 14R1R, Block 10, City of Keller Addition.*

Ms. Auben Moreno, applicant, was present to address the City Council.

**Mayor Pat McGrail opened the public hearing. No public comments were received. A motion was made by Council Member Ed Speakmon, seconded by Mayor Pro Tem Debbie Bryan, 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 approve Ordinance No. 1865 approving a Specific Use Permit (SUP) for Tangle Salon and Boutique, a proposed “Beauty Salon Stand Alone” and “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX”, located in an existing 1,300 structure on the east side of 130 E. Hill Street, a 0.230-acre lot on the south side of East Hill Street, approximately 200 feet west of Elm Street, being Lot 14R1R, Block 10, City of Keller Addition, and zoned OTK (Old Town Keller). The motion carried unanimously.**

6. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow Terrace on the Creek Salon, a proposed approximately 8,300 square-foot ‘Spa to include cosmetologists (hair, nails, and face) and massage therapists licensed in the State of Texas’ use, on 1.77 acres of land, located on the southwest corner of the Bear Creek Parkway and Whitley Road intersection, at 700 Whitley Road/181 Bear Creek Parkway, being Lot 3, Block A, Airweighs Field Addition, and zoned C (Commercial). Nance Holdings, owner/applicant. (SUP-17-0014)

*Mrs. Michele Berry, Senior Planner, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) to allow Terrace on the Creek Salon, a proposed approximately 8,300 square-foot ‘Spa to include cosmetologists (hair, nails, and face) and massage therapists licensed in the State of Texas’ use, on 1.77 acres of land, located on the southwest corner of the Bear Creek Parkway and Whitley Road intersection, at 700 Whitley Road/181 Bear Creek Parkway.*

*Mr. Kirk Nance, owner/applicant, addressed the City Council.*

**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.**

**A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1866 approving a Specific Use Permit (SUP) to allow Terrace on the Creek Salon, a proposed approximately 8,300 square-foot ‘Spa to include cosmetologists (hair, nails, and face) and massage therapists licensed in the State of Texas’ use, on 1.77 acres of land, located on the southwest corner of the Bear Creek Parkway and Whitley Road intersection, at 700 Whitley Road/181 Bear Creek Parkway, being Lot 3, Block A, Airweighs**

**Field Addition, and zoned C (Commercial). The motion carried unanimously.**

7. PUBLIC HEARING: Consider an ordinance approving a Planned Development Amendment from PD-SF-15 (Single Family Residential-15,000 square-foot minimum) to PD-SF-15 (Planned Development-Single Family Residential-15,000 square-foot minimum), amending the Silverleaf Planned Development (Ordinance No. 1314), to allow a subdivision of one (1) lot into four (4) lots, on an approximately 2.287-acre property, being Lot 1, Block C, Silverleaf Addition, located on the southwest side of the Keller-Smithfield Road and Shady Grove Road intersection, addressed as 7240 Shady Grove Road. CBC Texas Holdings, LLC, owner/applicant. Jeremy Garcia-Glasscock, Dunaway Associates, engineer. (Z-17-0013)

*Mrs. Michele Berry, Senior Planner, gave a presentation relating to a request for an ordinance approving a Planned Development Amendment from PD-SF-15 (Single Family Residential-15,000 square-foot minimum) to PD-SF-15 (Planned Development-Single Family Residential-15,000 square-foot minimum), amending the Silverleaf Planned Development (Ordinance No. 1314), to allow a subdivision of one (1) lot into four (4) lots, on an approximately 2.287-acre property, being Lot 1, Block C, Silverleaf Addition, located on the southwest side of the Keller-Smithfield Road and Shady Grove Road intersection, addressed as 7240 Shady Grove Road.*

*Mr. Richard Shaheen, Dunaway Associates, 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 Mayor Pro Tem Debbie Bryan, 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 deny a Specific Use Permit (SUP) for Planned Development Amendment from PD-SF-15 (Single Family Residential-15,000 square-foot minimum) to PD-SF-15 (Planned Development-Single Family Residential-15,000 square-foot minimum), amending the Silverleaf Planned Development (Ordinance No. 1314), to allow a subdivision of one (1) lot into four (4) lots, on an approximately 2.287-acre property, being Lot 1, Block C, Silverleaf Addition, located on the southwest side of the Keller-Smithfield Road and Shady Grove Road intersection, addressed as 7240 Shady Grove Road. The motion passed with the following vote:**

**AYE:** 5 - Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, and Council Member Tag Green.

**NAY:** 2 - Council Member Armin Mizani and Council Member Chris Whatley.

8. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) Amendment for an approximately 2,100 square foot detached garage, with a variance for front facing garage door exposure to the street to exceed one hundred forty -four (144) square feet, located on approximately 2.15-acres, on the west side of Randol Mill

Avenue, approximately seventy-five feet (75') north of Wildwood Way, at 1150 Randol Mill Avenue, being Lot 1R1, Block A, Aspen Oaks Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). Marshall and Lynette Kovalik, owners/applicants (SUP-17-0022)

*Mrs. Michele Berry, Senior Planner, gave a presentation relating to a request for a Specific Use Permit (SUP) Amendment for an approximately 2,100 square foot detached garage, with a variance for front facing garage door exposure to the street to exceed one hundred forty -four (144) square feet, located on approximately 2.15-acres, on the west side of Randol Mill Avenue, approximately seventy-five feet (75') north of Wildwood Way, at 1150 Randol Mill Avenue.*

**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 Ed Speakmon, 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 approve Ordinance No. 1867 approving a Specific Use Permit (SUP) for an approximately 2,100 square foot detached garage, with a variance for front facing garage door exposure to the street to exceed one hundred forty -four (144) square feet, located on approximately 2.15-acres, on the west side of Randol Mill Avenue, approximately seventy-five feet (75') north of Wildwood Way, at 1150 Randol Mill Avenue, being Lot 1R1, Block A, Aspen Oaks Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). 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.

1. Consider one Economic Development Chapter 380 Incentive Request from Equity Ventures (Natural Grocers).
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.

b. Meadows at Bear Creek Homeowners' Association Inc. vs. David Hawkins, Planning Manager and City of Keller.

3. Adjourn into Open Meeting.

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

**No action was taken.**

**Mayor Pat McGrail recessed the City Council meeting so that the Work Session could resume in the Pre-Council Chamber.**

## **K. ADJOURN**

**A motion was made by Mayor Pat McGrail, seconded by Council Member Eric Schmidt, to adjourn the meeting at 10:17 P.M. The motion carried unanimously.**

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Mayor

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City Secretary