



# **City of Keller**

## **City Council**

### **Meeting Minutes**

**Tuesday, December 19, 2017**

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
[www.cityofkeller.com](http://www.cityofkeller.com)

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

#### **A. CALL TO ORDER**

**Mayor Pat McGrail called the 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 Eric Schmidt**

**Council Member Chris Whatley**

**Council Member Tag Green**

**Council Member Ed Speakmon was absent.**

**Administrative personnel present were City Manager Mark Hafner, Assistant City Secretary Andrea McDonald, City Attorney Stan Lowry, Director of Administrative Services/Human Resources Carolyn Nivens, Director of Public Services and Economic Development Trina Zais, Director of Finance Aaron Rector, 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 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.

c. Deborah Thompson vs. City of Keller.

3. Adjourn into Open Meeting.

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

**No Action was taken.**

## **D. WORK SESSION**

1. Update on Fire Station Bids.

**Fire Chief David Jones and Finance Director Aaron Rector gave an update on the Fire Station Bids.**

2. FY 2016-17 Quarterly Financial Report through September.

**This item was not discussed.**

3. Discuss Flag Lots.

**The City Council discussed flag lots and platting requirements.**

## **E. ADJOURN**

**Mayor Pat McGrail adjourned the Pre-Council Meeting at 7:05 P.M.**

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

### **A. CALL TO ORDER**

**Mayor Pat McGrail called the Regular City Council Meeting to order at 7:12 P.M.**

### **B. INVOCATION**

Mr. Scott Hall, Harvest Church; and Mr. Lance Pierce, Keller Latter Day Saints, gave the invocations.

### **C. PLEDGE OF ALLEGIANCE**

**Mayor Pat McGrail led the pledges to the U.S. and Texas Flags.**

1. Pledge to the United States Flag.
2. Pledge to the Texas Flag.

### **D. PROCLAMATIONS & PRESENTATIONS**

1. **Proclamation - Keller High School Girls Cross Country.**

### **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**

**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.**

**Consent Item No. 4 was considered separately.**

1. Consider approval of the Minutes of the Tuesday, December 5, 2017, Regular City Council Meeting.  
**A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve the Minutes of the Tuesday, December 5, 2017, Regular City Council Meeting. The motion carried unanimously.**
2. Consider a resolution appointing a member to fill a vacancy on the Keller Economic Development Board.  
**A motion was made by Council Member Eric Schmidt, seconded by Council**

**Member Tag Green, to approve Resolution No. 3963 appointing Dr. William Starck to serve as Place 4 on the Keller Economic Development Board for a term ending November 30, 2019. The motion carried unanimously.**

3. Consider a resolution rejecting the bid from North Texas Contracting for the construction of the Mount Gilead Road Shared Use Path, and authorizing the City Manager to rebid the project on behalf of the City of Keller, Texas.

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Resolution No. 3964 rejecting the bid from North Texas Contracting for the construction of the Mount Gilead Road Shared Use Path, and authorizing the City Manager to rebid the project on behalf of the City of Keller, Texas. The motion carried unanimously.**

4. Consider a resolution approving an agreement for professional services with Kimley-Horn of Fort Worth, Texas, for the purpose of providing design and engineering services for the Old Town Keller Phase II Project; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

**This item was considered separate from the Consent agenda.**

**A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Resolution No. 3965 approving an agreement for professional services with Kimley-Horn of Fort Worth, Texas, for the purpose of providing design and engineering services for the Old Town Keller Phase II Project, in the amount of \$149,560.00; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously by the following vote:**

**YEA: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Eric Schmidt, Council Member Chris Whatley, and Council Member Tag Green.**

**Council Member Armin Mizani recused himself from the vote.**

5. Consider a resolution receiving the Keller Quarterly Investment Report for period ending September 30, 2017, and providing an effective date.

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Resolution No. 3966 accepting the Keller Quarterly Investment Report for period ending September 30, 2017, and providing an effective date. The motion carried unanimously.**

## **G. OLD BUSINESS - None**

## **H. NEW BUSINESS**

1. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow On the Boulevard Salon & Spa, a proposed "Beauty Salon Stand Alone" and "Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX", located in an existing 1,260 structure, on a 0.169-acre lot on the south side of Taylor Street, approximately 100 feet east of the Taylor Street and South Main Street (HWY 377), intersection, at 110 Taylor Street, being Lots 1A and 2, Block 11, City of Keller Addition, and zoned OTK (Old Town Keller). Keely Harris, owner. On the Boulevard Salon & Spa, LLC, applicant. (SUP-17-0023)

**Ms. Trina Zais, Director of Public Services and Economic Development, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) to allow On the Boulevard Salon & Spa, a proposed “Beauty Salon Stand Alone” and “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX”, at 110 Taylor Street.**

**Ms. Keely Harris, owner, was present and addressed the City Council.**

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

**A motion was made by Council Member Chris Whatley, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1874 approving a Specific Use Permit (SUP) to allow On the Boulevard Salon & Spa, a proposed “Beauty Salon Stand Alone” and “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX”, located in an existing 1,260 structure, on a 0.169-acre lot on the south side of Taylor Street, approximately 100 feet east of the Taylor Street and South Main Street (HWY 377), intersection, at 110 Taylor Street, being Lots 1A and 2, Block 11, City of Keller Addition, and zoned OTK (Old Town Keller). The motion carried by the following vote:**

**YEA: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Eric Schmidt, and Council Member Chris Whatley.**

**NAY: Council Member Tag Green.**

**Council Member Armin Mizani recused himself from the vote.**

- 2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow Randolph Brooks Federal Credit Union to operate a proposed “Bank, saving, loan, and credit unions, including automated teller and drive-thru”, located in an existing 8,049 square foot building, on 1.38-acres, located on the southeast corner of the Keller Parkway (FM1709) and South Main Street (HWY 377) intersection, at 100 Keller Parkway (FM1709), being Lot 1, Block A, Hibernia-Keller Addition, and zoned OTK (Old Town Keller). Cross Development, owner/applicant. (SUP-17-0025)**

**Ms. Trina Zais, Director of Public Services and Economic Development, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) to allow Randolph Brooks Federal Credit Union to operate a proposed “Bank, saving, loan, and credit unions, including automated teller and drive-thru”, at 100 Keller Parkway.**

**The applicants were present and addressed the City Council.**

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to close the public hearing. The motion unanimously.**

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to deny the request for an ordinance approving a Specific Use Permit (SUP) to allow Randolph Brooks Federal Credit Union to operate a proposed “Bank, saving, loan, and credit unions, including automated teller and drive-thru”, located in an existing 8,049 square foot building, on 1.38-acres, located on the southeast corner of the Keller Parkway (FM1709) and South Main Street (HWY 377) intersection, at 100 Keller Parkway (FM1709), being Lot 1, Block A, Hibernia-Keller Addition, and zoned OTK (Old Town Keller). The motion carried by the following vote:

**YEA:** Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Eric Schmidt, and Council Member Chris Whatley.

**NAY:** Council Member Tag Green.

**Council Member Armin Mizani recused himself from the vote.**

3. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - OTK (Old Town Keller) and Section 8.09 - Attached Wall Signs, for The Station Patio Icehouse, located on approximately 0.17-acre of land on the southeast corner of the intersection of West Vine Street and Lamar Street, being Lot 1R, Block 4, Original Town Keller Addition, at 111 West Vine Street, zoned OTK (Old Town Keller). Station RR2, LLC., applicant. Panther City Industries, LLC., owner. (UDC-17-0033)

**Ms. Trina Zais, Director of Public Services and Economic Development, 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 8.03 - OTK (Old Town Keller) and Section 8.09 - Attached Wall Signs, for The Station Patio Icehouse, at 111 West Vine Street.**

**The applicants were present and addressed the City Council.**

**A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Resolution No. 3967 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - OTK (Old Town Keller) and Section 8.09 - Attached Wall Signs, for The Station Patio Icehouse, located on approximately 0.17-acre of land on the southeast corner of the intersection of West Vine Street and Lamar Street, being Lot 1R, Block 4, Original Town Keller Addition, at 111 West Vine Street, zoned OTK (Old Town Keller) with the following conditions:**

- 1. A variance for a total of seven (7) attached signs on a single building shall be allowed.**
- 2. A variance for the one hundred (100) square-foot “The Station” sign and the sixty-six (66) square-foot Station Patio Icehouse with train sign to exceed the**

maximum allowed forty (40) square feet, as shown on “Exhibit A” shall be allowed

3. A variance for the one hundred (100) square-foot “The Station” sign to be taller than the roof, up to four (4) feet shall be allowed.

The motion carried unanimously by the following vote:

**YEA: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Eric Schmidt, Council Member Chris Whatley, and Council Member Tag Green.**

**Council Member Armin Mizani recused himself from the vote.**

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 Center for Advanced Learning, located on approximately 50.60 acres of land bounded on the north by North Tarrant Parkway, on the east by Willis Lane, on the south by Bursey Road, and 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). Billy Kidd, Keller Independent School District, property owner. Sangeetha Karthik, Corgan & Associates, architect/applicant. (UDC-17-0032)

**Ms. Trina Zais, Director of Public Services and Economic Development, 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 Center for Advanced Learning, at 305 North Tarrant Parkway.**

**Mr. Billy Kidd, Keller ISD, addressed the City Council regarding the proposal.**

**A motion was made by Council Member Armin Mizani, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3968 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 Center for Advanced Learning, located on approximately 50.60 acres of land bounded on the north by North Tarrant Parkway, on the east by Willis Lane, on the south by Bursey Road, and 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 variance:**

1. The variance to Section 8.08 to omit a landscape island and instead plant a minimum of two (2) trees with a minimum four inch (4”) caliper adjacent to where the landscape island would be required within six (6) months shall be allowed.

**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.

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

c. Deborah Thompson vs. City of Keller.

3. Adjourn into Open Meeting.

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

**No Action was taken.**

## **K. ADJOURN**

**A motion was made by Council Member Armin Mizani, seconded by Council Member Eric Schmidt, to adjourn the meeting at 8:21 P.M. The motion carried unanimously.**

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Mayor

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City Secretary