



City of Keller

City Council

Meeting Minutes

Tuesday, March 6, 2018

PRE-COUNCIL MEETING 5:00 P.M.

Keller Town Hall

1100 Bear Creek Parkway

Keller, TX 76248

817-743-4000

www.cityofkeller.com

A. CALL TO ORDER

Mayor Pat McGrail called the Pre-Council Meeting to order at 5:09 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 Tag Green

Council Member Armin Mizani and Council Member Chris Whatley were absent.

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 Public Services and Economic Development Trina Zais, Director of Community Services Cody Maberry, Director of Public Works Alonzo Liñán, 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.

- a. Property located at 712, 720, 800, 816, 818, 820, 900, 904, and 934 North Main Street.
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. FY 2017-18 Quarterly Financial Report through December.

Mr. Aaron Rector, Director of Finance, gave a presentation relating to the FY 2017-18 Quarterly Financial Report through December.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:39 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER

Mayor Pat McGrail called the Regular Meeting to order at 7:01 P.M.

B. INVOCATION

Mr. Andrew Petta, St. Barnabas Church; and Mr. Rustin Floyd, Keller Church of 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 - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one State under God, one and indivisible."

D. PRESENTATIONS

1. Receive the Community Waste Disposal Annual Review.

Mr. Greg Roemer, President & CEO, and Mr. Robert Medigovich, Municipal Coordinator, gave the Community Waste Disposal Annual Review.

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.

The following individuals expressed their concerns with the lawsuit involving the Meadows at Bear Creek Homeowners' Association: Mr. Paul Keane, 305 Glen Hollow; Ms. Susan Pando, 1601 Pleasant Run; Mr. Joe Pelly, 1605 Falcon Drive; Mr. Leonard Oshman, 238 Bear Hollow; Ms. Nicole Seidel, 228 Bear Hollow; Mr. Neeraj Shaw, 301 Glen Hollow; Mr. Alan Morgan, 1607 Forest Bend Lane; Mr. Stephen Humenesky, 1602 Falcon Drive; Mr. Howard Evers, 236 Bear Hollow; Mr. Edward Russo, 317 Glen Hollow; and Mr. Brian Sorenson, 1610 Stone Court.

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 Tuesday, February 20, 2018 Regular City Council Meeting.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve the Minutes of the Tuesday, February 20, 2018 Regular City Council Meeting. The motion carried unanimously.

2. Consider a resolution approving Bid Item No. 1 from Earthworks, Inc., of Alvarado, Texas, for grounds maintenance services relating to parks, facility grounds, medians, and parkways, for the Parks and Recreation Department, and authorizing the City

Manager to execute all contract documents.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3982 approving Bid Item No. 1 from Earthworks, Inc., of Alvarado, Texas, for grounds maintenance services relating to parks, facility grounds, medians, and parkways, for the Parks and Recreation Department, and authorizing the City Manager to execute all contract documents. The motion carried unanimously

3. Consider an ordinance approving a tariff authorizing an annual rate review mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid Tex Division ("Atmos Mid Tex" or "Company") and the Steering Committee of Cities served by Atmos; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1877 approving a tariff authorizing an annual rate review mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") and the Steering Committee of Cities served by Atmos; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee. The motion carried unanimously

4. Consider a resolution receiving the Keller Quarterly Investment Report for period ending December 31, 2017, and providing an effective date.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3983 receiving the Keller Quarterly Investment Report for period ending December 31, 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 Planned Development Amendment from PD SF 15 (Planned Development Single Family Residential 15,000 square foot minimum) to PD SF 30 (Planned Development Single Family Residential 30,000 square foot minimum), amending the Silverleaf Planned Development (Ordinance No. 1314), to allow a subdivision of one (1) lot into three (3) lots, on an approximately 2.291 acre property, being Lot 1, Block C, Silverleaf Addition,

located on the southwest side of the Keller Smithfield Road and Shady Grove Road intersection, at 7240 Shady Grove Road. CBC Texas Holdings, LLC, owner/applicant. Jeremy Garcia Glasscock, Dunaway Associates, engineer. (Z 18 0001)

Mrs. Trina Zais, Director of Public Services and Economic Development, gave a presentation relating to the request for an ordinance approving a Planned Development Amendment from PD SF 15 (Planned Development - Single Family Residential - 15,000 square foot minimum) to PD SF 30 (Planned Development - Single Family Residential - 30,000 square foot minimum), amending the Silverleaf Planned Development (Ordinance No. 1314), to allow a subdivision of one (1) lot into three (3) lots, on an approximately 2.291 acre property.

Mr. Clark Miller, property owner/applicant, 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 Ed Speakmon, seconded by Council Member Tag Green, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to deny the request for an ordinance approving a Planned Development Amendment from PD-SF-15 (Planned Development - Single Family Residential - 15,000 square-foot minimum) to PD-SF-30 (Planned Development - Single Family Residential - 30,000 square-foot minimum), amending the Silverleaf Planned Development (Ordinance No. 1314), to allow a subdivision of one (1) lot into three (3) lots, on an approximately 2.291-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 carried unanimously.

2. **PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a "professional office" for Guild Mortgage to occupy approximately 2,070 square feet of lease space, located in the existing 7,609 square foot Hudson Station multitenant retail building, 0.5 acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, being Lot 1, Block 1, Hudson Station Addition and zoned OTK (Old Town Keller). Hudson Station Property LP, owner. Bryan Andrews, Guild Mortgage, applicant. (SUP 18 0001)**

Mrs. Trina Zais, Director of Public Services and Economic Development, gave a presentation relating to the request for an ordinance approving a Specific Use Permit (SUP) to allow the use of a "professional office" for Guild Mortgage to occupy approximately 2,070 square feet of lease space, located in the existing 7,609 square foot Hudson Station multitenant retail building.

Mr. Brian Andrews, applicant, 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 Tag Green, seconded by Mayor Pro Tem Debbie Bryan, 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.1878 approving a Specific Use Permit (SUP) to allow the use of a “professional office” for Guild Mortgage to occupy approximately 2,070 square feet of lease space, located in the existing 7,609 square foot Hudson Station multitenant retail building, 0.5 acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, being Lot 1, Block 1, Hudson Station Addition and zoned OTK (Old Town Keller) with the following condition:

1. A Specific Use Permit for Guild Mortgage to operate a ‘Professional office’ use in an existing 2,070 square foot lease space, on an approximately 0.5 acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, within the OTK (Old Town Keller) zoning district shall be allowed.

The motion carried unanimously.

3. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Lidl, 35,962 square foot, single story grocery store, located on a 4.95 acre tract, on the north side of Keller Parkway (FM 1709) approximately 1,200 feet west of Keller Smithfield Road, being tract 2E and 3 in the Pamela Allen Survey, Abstract No. 28, at 1221 and 1301 Keller Parkway, and zoned TC (Town Center). Greenway Keller, L.P., owner. Kimley Horn and associates, applicant/engineer. (SUP 17 0017)

This item is being tabled because of the lack of Council Members needed to vote in a super majority.

Mrs. 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) and a Site Plan with variances for Lidl, 35,962 square foot, single story grocery store, at 1221 and 1301 Keller Parkway.

Mr. Kevin Gaskey, Kimley-Horn and Associates, addressed the City Council regarding the proposal.

Mayor Pat McGrail opened the public hearing.

Ms. Jennifer Roberts, 1202 Clark Springs Drive, addressed her concerns with the proposal.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to continue the public hearing and to table the agenda item to the March 20, 2018 Regular City Council Meeting. The motion carried unanimously.

4. Consider a resolution approving a Site Plan with variances for Lidl, a 35,962 square foot, single story grocery store, located on a 4.95 acre tract, on the north side of Keller Parkway (FM 1709), approximately 1,200 feet west of Keller Smithfield Road, at 1221 and 1301 Keller Parkway, being tract 2E and 3 in the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center). Greenway Keller, L.P., owner. Kimley-Horn and Associates, applicant/engineer. (SP 17 0016 and UDC 17 0016)

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Ed Speakmon, to table the agenda item to the March 20, 2018 Regular City Council Meeting. The motion carried unanimously.

5. Consider a resolution 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 Wanda Hollingsworth Estate, owner of 10.83 acres of land, located at 900, 904, and 934 N. US Hwy 377; and J. E. McCombs Real Estate, LTD, owner of 21.8 acres of land, located at 712, 720, 800, 810, 816, and 820 N. US Hwy 377; in the City of Keller, Texas; and authorizing the City Manager to execute said documents on behalf of the City of Keller.

Mrs. Trina Zais, Director of Public Services and Economic Development, gave a presentation relating to a request for a resolution 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 Wanda Hollingsworth Estate, owner of 10.83 acres of land, located at 900, 904, and 934 N. US Hwy 377; and J. E. McCombs Real Estate, LTD, owner of 21.8 acres of land, located at 712, 720, 800, 810, 816, and 820 N. US Hwy 377.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Resolution No. 3984 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 Wanda Hollingsworth Estate, owner of 10.83 acres of land, located at 900, 904, and 934 N. US Hwy 377; and J. E. McCombs Real Estate, LTD, owner of 21.8 acres of land, located at 712, 720, 800, 810, 816, and 820 N. US Hwy 377; in the City of Keller, Texas; and authorizing the City Manager to execute said documents on behalf of the City of Keller. 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

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 - 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.

K. ADJOURN

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to adjourn the meeting at 8:16 P.M. The motion carried unanimously.

Mayor

City Secretary