



City of Keller

City Council

Meeting Minutes

Tuesday, March 20, 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 5:02 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

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 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.

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. Discussion relating to a possible flashing light behind Hidden Lakes Elementary School. **Council Member Armin Mizani introduced a discussion relating to a possible flashing light behind Hidden Lakes Elementary School. Ms. Leah Lambert, resident representing the parents of students that walk to Hidden Lakes Elementary, expressed her concerns relating to speeding in the neighborhood. Police Chief Michael Wilson, gave a report of police findings. Discussion was held by the City Council. The City Council directed staff to move forward with getting the requested sign installed.**
2. Receive an introduction to the FY 2018-19 Budget. **Mr. Aaron Rector, Director of Finance, gave a presentation relating to the FY 2018-19 Budget.**
3. Discuss repaving portions of Mt Gilead Manor (Manor Way, Jericho Court, and Galilee Drive) and Bellechase Drive. **Council Member Eric Schmidt gave a presentation relating to repaving portions of Mt Gilead Manor (Manor Way, Jericho Court, and Galilee Drive) and Bellechase Drive. The City Council directed staff to move forward with evaluating the streets discussed.**

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 7:04 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER

Mayor Pat McGrail called the Regular Meeting to order at 7:16 P.M.

B. INVOCATION

Mr. Kason Branch – Creekstone Church, and Mr. Craig Allen– Keller Latter-Day Saints Church gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail welcomed the Boy Scouts to the meeting, and asked them to lead 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 - 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. Daniel J. Bennett, 408 Pemberton, expressed his thoughts relating to the results of the Tarrant Appraisal District Board of Directors election.

Ms. Alyssa Dobbs, 2111 Watercrest Court, expressed her thoughts relating to garage sale signage.

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, March 6, 2018 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, March 6, 2018 Regular City Council Meeting. The motion carried unanimously.

2. Consider a resolution approving an Interlocal Agreement with Tarrant County for the rehabilitation of portions of Pearson Lane, Rapp Road, and Rufe Snow Drive, for the Public Works Department; and further authorizing the City Manager to execute said Agreement 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. 3985 an Interlocal Agreement with Tarrant County for the rehabilitation of portions of Pearson Lane, Rapp Road, and Rufe Snow Drive, for the Public Works Department; and further authorizing the City Manager to execute said Agreement on behalf of the City of Keller, Texas. The motion carried unanimously.

3. Consider a resolution of the City Council of the City of Keller, Texas, amending the By-laws of the Keller Development Corporation, a nonprofit corporation, organized and governed by Article 5190.6, Section 4b, Texas Development Corporation Act, by amending Article 2, Section 2.2.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Resolution No. 3986 amending the By-laws of the Keller Development Corporation, a nonprofit corporation, organized and governed by Article 5190.6, Section 4b, Texas Development Corporation Act, by amending Article 2, Section 2.2. The motion carried unanimously.

4. Consider an ordinance of the City Council of the City of Keller, Texas, amending the City of Keller Code of Ordinances, by amending Chapter 2, Administration, Article V, Planning and Zoning Commission, by deleting Section 2-500, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-500; and by amending Article VI, Zoning Board of Adjustment, by deleting Section 2-610, Terms of office; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-610; and by amending Article X, Library Board, by deleting Section 2-1000, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-1000; and by amending Article XI, Public Arts Board, by deleting Section 2-1100, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-1100; and by amending Article XV, Economic Development Board, by deleting Section 2-1500, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-1500; and by amending Chapter 12, Parks and Recreation, Article III, Board of Parks and Recreation, by deleting Section 12-300, Creation; composition; appointment of members; appointment of chairperson, in its entirety and by adding a new Section 12-300; authorizing publication; and establishing an effective date.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Ordinance No. 1879 amending the City of Keller Code of Ordinances, by amending Chapter 2, Administration, Article V, Planning

and Zoning Commission, by deleting Section 2-500, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-500; and by amending Article VI, Zoning Board of Adjustment, by deleting Section 2-610, Terms of office; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-610; and by amending Article X, Library Board, by deleting Section 2-1000, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-1000; and by amending Article XI, Public Arts Board, by deleting Section 2-1100, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-1100; and by amending Article XV, Economic Development Board, by deleting Section 2-1500, Creation; composition; appointment of members; appointment of chairperson, in its entirety and adding a new Section 2-1500; and by amending Chapter 12, Parks and Recreation, Article III, Board of Parks and Recreation, by deleting Section 12-300, Creation; composition; appointment of members; appointment of chairperson, in its entirety and by adding a new Section 12-300; authorizing publication; and establishing an effective date. The motion carried unanimously.

G. OLD BUSINESS

1. 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)

Mayor Pat McGrail announced that the applicant has withdrawn their application.

Mayor Pat McGrail opened the public hearing. Ms. Jennifer Roberts, 1202 Clark Springs Drive, spoke in opposition to the grocery store usage at this location.

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

2. 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)

Mayor Pat McGrail announced that the applicant has withdrawn their application. No action was taken.

H. NEW BUSINESS

1. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Section 8.11 Fencing Requirements in

Residential Zoning Districts, for 520 Bennington Lane, a 0.23-acre single-family lot, located on the southwest corner of the Bennington Lane and Bristol Hill intersection, being Lot 8, Block D, Woodford Phase II Addition, and zoned SF-8.4 (Single Family Residential -8,400 square foot minimum). Dewayne Gray, applicant, Drees Custom Homes, owner. (UDC-18-0004)

Ms. Susan Kenny, Community Development Director, gave a presentation relating to the request for a fence variance for 520 Bennington Lane.

Mr. Dewayne Gray, applicant, addressed the City Council regarding the proposal.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Tag Green, to approve Resolution No. 3987 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Section 8.11 Fencing Requirements in Residential Zoning Districts, for 520 Bennington Lane, a 0.23-acre single-family lot, located on the southwest corner of the Bennington Lane and Bristol Hill intersection, being Lot 8, Block D, Woodford Phase II Addition, and zoned SF-8.4 (Single Family Residential -8,400 square foot minimum) with the following variance:

- 1. The variance request for a six foot (6') high wooden privacy fence to be located on top of the retaining wall, approximately two feet (2') from the property line as shown in "Exhibit A" shall be allowed.**

The motion carried unanimously.

- 2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to use an existing 2,274 square-foot accessory building as a temporary accessory dwelling unit while constructing a new home on a 7.758-acre lot on the east side of Keller-Smithfield Road South, approximately 1,000 feet north of Village Trail, at 945 Keller-Smithfield Road South, being Lot 1, Block 1, Bryson Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum).**

Ms. Susan Kenney, Community Development Director, gave a presentation relating to a request for a Specific Use Permit (SUP) to use an existing 2,274 square-foot accessory building as a temporary accessory dwelling unit while constructing a new home at 945 Keller-Smithfield Road South.

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 Chris Whatley, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Chris Whatley, to approve Ordinance No. 1880 approving a Specific Use Permit (SUP) to use an existing 2,274 square-foot accessory building as a temporary accessory dwelling unit while constructing a new home on a 7.758-acre lot on the east side of Keller-Smithfield Road South, approximately 1,000 feet north of Village

Trail, at 945 Keller-Smithfield Road South, being Lot 1, Block 1, Bryson Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum) with the following variances:

1. The Specific Use Permit request for the 2,274 square-foot accessory building to be used as a temporary accessory dwelling unit is to be considered while the home is being constructed.
2. The applicant must secure a Building Permit within twelve (12) months of approval of the SUP. If construction has not commenced following issuance of a Building Permit, the SUP expires upon expiration of the Building Permit. The applicant may request a one-time six (6) month extension, which may be approved by staff.

The motion carried unanimously.

3. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow for Bronzed Beauty Airbrush Studio, to operate a stand-alone beauty shop, at 245 South Main Street (HWY 377), located on a 0.23-acre tract of land, being Lot 1, Block 7, Keller City Addition, on the southeast corner of the Olive Street and South Main Street (HWY 377) intersection, approximately 1,500 feet south of Keller Parkway (FM 1709), and zoned OTK (Old Town Keller), Ronald and Lori Cimonetti, owners. Desire Ziegler (Golan), applicant. (SUP-18-0002)

Ms. Susan Kenney, Community Development Director, gave a presentation relating to a request for a Specific Use Permit (SUP) to allow for Bronzed Beauty Airbrush Studio, to operate a stand-alone beauty shop, at 245 South Main Street. Ms. Desire Ziegler (Golan), applicant, was present.

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

A motion was made by Mayor Pro Tem Debbie Bryan, 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 Armin Mizani, to approve Ordinance No. 1881 approving a Specific Use Permit (SUP) to allow for Bronzed Beauty Airbrush Studio, to operate a stand-alone beauty shop, at 245 South Main Street (HWY 377), located on a 0.23-acre tract of land, being Lot 1, Block 7, Keller City Addition, on the southeast corner of the Olive Street and South Main Street (HWY 377) intersection, approximately 1,500 feet south of Keller Parkway (FM 1709), and zoned OTK (Old Town Keller) with the following condition:

1. A Specific Use Permit for Bronzed Beauty Airbrush Studio, a proposed “Stand-alone Beauty Shop”, located in an existing 400 square-foot building at 245 South Main (US 377) shall be allowed. This specific use permit is specific to Bronzed Beauty Airbrush Studio. Any other stand-alone beauty salon will require a separate specific use permit.

The motion carried by the following vote:

YEA: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Armin Mizani, Council Member Ed Speakmon, Council Member Eric Schmidt, and Council Member Chris Whatley.

NAY: Council Member Tag Green.

4. Consider a resolution for a Site Plan for a single story 1,581 square-foot drive-through restaurant without variances, located on a 1.14-acre lot, on the north side of Keller Parkway, approximately 260 feet east of Pate Orr Road North and Keller Parkway intersection, being Lot 3R-1R5, Block 8, Bluebonnet Trails Addition, at 951 Keller Parkway, and zoned TC (Town Center). Keller Square, LLC, owner; Andy's Frozen Custard, applicant; Dunaway Associates, L.P, engineer. (SP-18-0002)

Ms. Susan Kenney, Community Development Director, gave a presentation relating to a request for approval of a Site Plan for Andy's Frozen Custard.

A motion was made by Council Member Armin Mizani, seconded by Council Member Eric Schmidt, to approve Resolution No. 3988 approving a Site Plan for a single story 1,581 square-foot drive-through restaurant without variances, located on a 1.14-acre lot, on the north side of Keller Parkway, approximately 260 feet east of Pate Orr Road North and 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
 - (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.

K. ADJOURN

Mayor Pat McGrail adjourned the meeting at 9:26 P.M.

Mayor

City Secretary