



# City of Keller

## City Council

### Meeting Minutes

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

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Tuesday, May 1, 2018

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

#### **A. CALL TO ORDER - Mayor Pat McGrail called the Pre-Council Meeting to order at 5:08 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 Community Services Cody Maberry, Director of Public Works Alonzo Liñan, Director of Finance Aaron Rector, Director of Community Development Susan Kenney, 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. 100 Keller Parkway (FM1709)**

**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. Deborah Thompson vs. City of Keller.**

**3. Adjourn into Open Meeting.**

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

**Action will be taken during the Regular Meeting.**

**D. WORK SESSION**

**1. Receive and discuss a presentation regarding funding for Metroport Meals on Wheels.**

**Ms. Mary King, Metroport Meals on Wheels (MMOW), gave a presentation relating to funding for the Meals on Wheels program. Discussion was held by the City Council. Staff will work with MMOW and return to City Council for approval.**

**2. Budget Strategic Planning - TIRZ and Economic Development Update**

**Mr. Aaron Rector, Director of Finance, gave a presentation relating to a Tax Increment Reinvestment Zone (TIRZ) and Economic Development update.**

**E. ADJOURN**

Mayor Pat McGrail adjourned the Pre-Council Meeting at 7:10 P.M.

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

**A. CALL TO ORDER – Mayor Pat McGrail called the Regular Meeting to order at 7:15 P.M.**

**B. INVOCATION**

Mr. Dennis Hunt, Bear Creek Bible Church; and Ms. Brenda DeVore, Compass Church gave the invocations.

**C. PLEDGE OF ALLEGIANCE**

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

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. 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.

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.

1. Consider approval of the Minutes of the Tuesday, April 17, 2018 Regular City Council Meeting.

A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve the Minutes of the Tuesday, April 17, 2018 Regular City Council Meeting. The motion carried unanimously.

2. Consider a resolution of the City of Keller, Texas, finding that Oncor Electric Delivery Company LLC's application for approval of a Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the city should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

**A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Resolution No. 4000 finding that Oncor Electric Delivery Company LLC's application for approval of a Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the city should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. The motion carried unanimously.**

## **G. OLD BUSINESS**

1. PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code, adopted by Ordinance No 1746, dated July 7, 2015 to prohibit flag lots and amend the definition for lot width, building setback line, and flag lot and a definition for building line by amending Article 3 Definitions, and Article 5, Subdivision Design and Improvement Requirements, Section 5.13 Lots, providing a conflicting ordinance clause; authorizing publication; and establishing an effective date. City of Keller, applicant. (UDC-18-0005)

**Mr. Alonzo Liñán, Director of Public Works and Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for an ordinance approving amendments to the City of Keller Unified Development Code, in relation to Flag Lots. Discussion was held by the City Council.**

**Mayor Pat McGrail opened the public hearing.**

**Mr. Mitch Holmes, 1204 Oak Bend Lane, expressed his thoughts regarding the proposed ordinance relating to flag lots.**

**A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, 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. 1883 approving amendments to the City of Keller Unified Development Code, adopted by Ordinance No 1746, dated July 7, 2015 to allow flag lots under special circumstances and amend the definition for lot width, building setback line, and flag lot and a definition for building line by amending Article 3 Definitions, and Article 5, Subdivision Design and Improvement Requirements, Section 5.13 Lots, providing a conflicting ordinance clause; authorizing publication; and establishing an effective date. The motion carried unanimously.

## H. NEW BUSINESS

1. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow Body Speak to provide massage therapy services within Crossfit PAF, a 2,400 square-foot lease space within a 4,941 square-foot building, located on a 0.41-acre tract of land, approximately 340 feet south from the intersection of Pecan Street and South Elm Street, being Lot 1-R, Block I, Bear Creek Commercial Addition, at 322 South Elm Street, and zoned OTK (Old Town Keller). Linda Deaton-Gilbert, applicant. James Dyer, owner. (SUP-18-0009).

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) to allow Body Speak to provide massage therapy services within Crossfit PAF.

Ms. Linda Deaton-Gilbert, 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 Mayor Pro Tem Debbie Bryan, 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 Mayor Pro Tem Debbie Bryan, to approve Ordinance No. 1884 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", 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 (HWY377) intersection, at 100 Keller Parkway (FM1709), being Lot 1, Block A, Hibernia-Keller Addition, and zoned OTK (Old Town Keller) with the following condition:

The Specific Use Permit for Body Speak to occupy approximately two hundred and forty (240) square feet for the use of massage therapy services shall be allowed.

**The motion carried unanimously.**

2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Jason's Deli, a single story 9,000 square-foot restaurant with drive-thru, located on a 1.58-acre lot, on the south side of Keller Parkway (FM1709), approximately four hundred seventy feet (470') west of the Keller Smithfield South and Keller Parkway (FM1709) intersection, being Lot 3, Block E, Keller Town Center Addition, at 1400 Keller Parkway (FM1709), and zoned TC (Town Center). Pinpoint Bear Creek Land Holdings, LLC, owner. Bomac Partners, Ltd or assigns (Trinity Partners), applicant. (SUP-18-0004)

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) for Jason's Deli, at 1400 Keller Parkway (FM1709).

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

A motion was made by Council Member Armin Mizani, seconded by Mayor Pro Tem Debbie Bryan, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Ordinance No. 1825 approving a Specific Use Permit (SUP) for Jason's Deli, a single story 9,000 square-foot restaurant with drive-thru, located on a 1.58-acre lot, on the south side of Keller Parkway (FM1709), approximately four hundred seventy feet (470') west of the Keller Smithfield South and Keller Parkway (FM1709) intersection, being Lot 3, Block E, Keller Town Center Addition, at 1400 Keller Parkway (FM1709), and zoned TC (Town Center) with the following condition:

A Specific Use Permit for Jason's Deli, a single story 9,000 square-foot restaurant with drive-thru, within the TC (Town Center) zoning district shall be allowed.

The motion carried with the following vote:

**YEA:** Mayor Pat McGrail, Council Member Armin Mizani, Council Member Ed Speakmon, Council Member Eric Schmidt, Council Member Chris Whatley, and Council Member Tag Green.

**NAY:** Mayor Pro Tem Debbie Bryan.

3. **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", 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 (HWY377) 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-18-0007)

Ms. Susan Kenney, Director of Community 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", at 100 Keller Parkway (FM1709).

Mr. Steve Rumsey, Cross Development, 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 Armin Mizani, 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 Mayor Pro Tem Debbie Bryan, to approve Ordinance No. 1826 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", 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 (HWY377) intersection, at 100 Keller Parkway (FM1709), being Lot 1, Block A, Hibernia-Keller Addition, and zoned OTK (Old Town Keller) with the following condition:

1. A Specific Use Permit for Randolph Brooks Federal Credit Union to operate a proposed "Bank, saving, loan, and credit unions, including automated teller" and to include the use of an existing drive-through window, located in an existing 8,049 square foot building at 100 Keller Parkway (FM 1709) shall be allowed. This specific use permit is specific to Randolph Brooks Federal Credit Union. Any other "bank, saving, loan, and credit unions, including automated teller" will require a separate specific use permit.
2. Applicant shall adhere to the Old Town Keller Zoning District requirements.

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.

- a. 100 Keller Parkway (FM1709)



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. Deborah Thompson vs. City of Keller.

3. Adjourn into Open Meeting.

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

2b. A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Tag Green, to authorize the City Manager and the City Attorney to hire the Law Office of Jim Jeffery to represent Judge Del Carmen in the lawsuit. The motion carried unanimously.

#### K. ADJOURN

The City Council Meeting was ajourned at 8:48 P.M.

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Mayor

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City Secretary