



# **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, June 5, 2018**

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

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

Mayor Pat McGrail called the meeting to order at 5:20 P.M.

The following City Council Members were present:

Mayor Pat McGrail

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 Aaron Rector, Director of Community Services Cody Maberry, Director of Public Services Trina Zais, Director of Public Works Alonzo Liñán, 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:

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**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. Deborah Thompson vs. City of Keller.

**3. Adjourn into Open Meeting.**

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

No action was taken.

**D. WORK SESSION**

**1. Budget Strategic Planning - Property Tax Calculations and Homestead Exemption**

Director of Administrative Services Aaron Rector gave a presentation relating to Property Tax Calculations and Homestead Exemption.

**2. Discuss cancelling the July 3, 2018 Regular City Council Meeting.**

The City Council directed the City Secretary to cancel the Tuesday, July 3, 2018 Regular City Council Meeting.

**E. ADJOURN**

**REGULAR MEETING 7:00 P.M.****A. CALL TO ORDER**

Mayor Pat McGrail called the Regular Meeting to order at 7:00 P.M.

The following City Council Members were present:

Mayor Pat McGrail

Council Member Mitch Holmes

Council Member Armin Mizani

Council Member Ed Speakmon

Council Member Eric Schmidt

Council Member Tag Green

Council Member Chris Whatley was absent.

**B. INVOCATION**

Mr. Sterling Smith, Whites Chapel United Methodist Church; and Mr. Steve Pulley, Milestone Church gave the invocations.

**C. PLEDGE OF ALLEGIANCE**

Mayor Pat McGrail led the pledges to the United States 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. PROCLAMATIONS & PRESENTATIONS**

1. 2017 Achievement of Excellence in Libraries Award

Past Texas Municipal Library Directors Association President Maria Redburn of Bedford presented the award to Library Director Jana Prock.

**E. ELECTIONS**

1. Consider a resolution amending Resolution No. 4001, approved on May 15, 2018, canvassing the General Election duly held in the City of Keller, Texas, on the 5th day of May 2018, for City Council Place 1 and City Council Place 2.

City Secretary Kelly Ballard gave a presentation relating to the canvassing of the General Election held on May 15, 2018 in the City of Keller.

A motion was made by Council Member Armin Mizani, seconded by Council Member Tag Green, to approve Resolution No. 4009 amending Resolution No. 4001, approved on May

15, 2018, canvassing the General Election duly held in the City of Keller, Texas, on the 5th day of May 2018, for City Council Place 1 and City Council Place 2. The motion carried unanimously.

**2. Administer the Oath of Office to City Council Place 1.**

Mayor Pat McGrail administered the Oath of Office to Mitch Holmes, City Council Place 1.

**F. 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. Philip Dorr, Tarrant County Precinct 3054 Chair, 500 N. Tarrant Parkway, invited the City Council to a Precinct Block Party.

**G. CONSENT**

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.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Consent items 2-5. The motion carried unanimously.

Council Member Mitch Holmes abstained from the vote.

1. Consider approval of the Minutes of the Tuesday, May 15, 2018 Regular City Council Meeting.

No action was taken on this item.

2. Consider a resolution approving the competitive sealed proposal for the Wall Price Keller Road improvements project, from Ragle, Inc., of Bedford, 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.

Approved by Resolution No. 4010.

3. Consider a resolution approving the bid for the North Main Street and South Elm Street waterline improvements project, from Canary Construction, Inc., of Lewisville, 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.

Approved by Resolution No. 4011.

4. Consider a resolution approving a contract with Lagniappe Productions for the Mystery Dinner Theater event at the Keller Senior Activities Center, and authorizing the City

Manager to execute all purchase documents related thereto on behalf of the City of Keller.

Approved by Resolution No. 4012.

5. Consider a resolution of the City Council of the City of Keller, Texas, approving a proposal for third-party plan review services with Code Solutions, Inc., of Keller, Texas, relating to building plan reviews and upon approval, arrange the appropriate agreement documentation; and authorizing the City Manager to execute said agreement on behalf of the City of Keller, Texas.

Approved by Resolution No. 4013.

## **H. OLD BUSINESS**

1. Consider an Ordinance approving a Planned Development from R (Retail) to PD-SF-8.4 (Planned Development - Single Family Residential - 8,400 square-foot minimum), for Concordia, a planned development consisting of sixty-six (66) single-family residential lots and five (5) open space lots, on an approximately 23.067-acre property, being a portion of Lot 1, Block 1, A Church for the Communities, located on the north side of North Tarrant Parkway, approximately 1,000 feet from Rufe Snow Drive and North Tarrant Parkway intersection, addressed as 1870 Rufe Snow Drive. Jim Tchoukaleff, Contour Real Estate & Development, applicant/developer. Mark Kimmel, Northwood Baptist Church, owner. Jerry Sylo, JBI Partners, surveyor/engineer. (Z-18-0002)

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to Concordia, a planned development consisting of sixty-six (66) single-family residential lots and five (5) open space lots, on an approximately 23.067-acre property, addressed as 1870 Rufe Snow Drive.

A motion was made by Armin Mizani, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1888 approving a Planned Development from R (Retail) to PD-SF-8.4 (Planned Development - Single Family Residential - 8,400 square-foot minimum), for Concordia, a planned development consisting of sixty-six (66) single-family residential lots and five (5) open space lots, on an approximately 23.067-acre property, being a portion of Lot 1, Block 1, A Church for the Communities, located on the north side of North Tarrant Parkway, approximately 1,000 feet from Rufe Snow Drive and North Tarrant Parkway intersection, addressed as 1870 Rufe Snow Drive. The motion carried (4-2) by the following vote:

YEA: Mayor Pat McGrail, Council Member Mitch Holmes, Council Member Armin Mizani, and Council Member Tag Green.

NAY: Council Member Ed Speakmon and Council Member Eric Schmidt.

## **I. NEW BUSINESS**

1. PUBLIC HEARING: Consider approval of an ordinance for a Specific Use Permit (SUP) to allow the use of a Data Hub Communication Center, a private or franchised utility structure, in an existing 711 square-foot building, to expand an additional 720 square feet, for a total of 1,431 square feet, on 0.34 acres, located on the east side of South Main Street (US 377), approximately five hundred twenty-one (521) from the roadway, at 1215 South Main Street (US 377), being Lot 2, Block A, Martins Subdivision and zoned C (Commercial). Marcus Cable Associates, LLC owner. Steve Howell, Evolve Data Center Solutions, applicant. Daniel Franklin, BHB Engineering and Surveying, engineer. (SUP-18-0010).

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for an ordinance for a Specific Use Permit (SUP) to allow the use of a Data Hub Communication Center, a private or franchised utility structure, in an existing 711 square-foot building, to expand an additional 720 square feet, for a total of 1,431 square feet, at 1215 South Main Street.

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 Mitch Holmes, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Tag Green, seconded by Armin Mizani, to approve Ordinance No. 1889 approving a Specific Use Permit (SUP) to allow the use of a Data Hub Communication Center, a private or franchised utility structure, in an existing 711 square-foot building, to expand an additional 720 square feet, for a total of 1,431 square feet, on 0.34 acres, located on the east side of South Main Street (US 377), approximately five hundred twenty-one (521) from the roadway, at 1215 South Main Street (US 377). The motion carried unanimously.

2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Bliss Nail Boutique, a current nail boutique in an existing 1,200 square-foot suite, to expand an additional 1,300 square-feet within a multi-tenant building of 11,900 square-feet, on 0.273-acres, located on the east side of Rufe Snow Drive, 427 feet south of North Tarrant Parkway, at 2041 Rufe Snow Drive, Suite 315, being Lot 4, Block A, Keller Place Addition and zoned R (Retail).

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) for the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Bliss Nail Boutique, a current nail boutique in an existing 1,200 square-foot suite, to expand an additional 1,300 square-feet .

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

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

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Ordinance No. 1890 approving a Specific Use Permit (SUP) for the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Bliss Nail Boutique, a current nail boutique in an existing 1,200 square-foot suite, to expand an additional 1,300 square-feet within a multi-tenant building of 11,900 square-feet, on 0.273-acres, located on the east side of Rufe Snow Drive, 427 feet south of North Tarrant Parkway, at 2041 Rufe Snow Drive, Suite 315. The motion carried unanimously.

3. PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code, adopted by Ordinance No 1746, dated July 7, 2015 by amending Article 3, Definitions; and Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 Zoning Districts, Town Center, Section 8.06 Service Area Design and Requirements, Section 8.13 Screening Wall Requirements, Section 8.15 Supplementary Regulations, Section 8.18 Illustrations, and Section 8.19 Tree and Natural Feature Preservation. City of Keller, applicant. (UDC-18-0008)

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, adopted by Ordinance No 1746, dated July 7, 2015 by amending Article 3, Definitions; and Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 Zoning Districts, Town Center, Section 8.06 Service Area Design and Requirements, Section 8.13 Screening Wall Requirements, Section 8.15 Supplementary Regulations, Section 8.18 Illustrations, and Section 8.19 Tree and Natural Feature Preservation.

Mayor Pat McGrail opened the public hearing. Mr. Jack Skelton, Legacy at Bear Creek, addressed the City Council regarding the proposal.

A motion was made by Council Member Ed Speakmon, seconded by Council Member Mitch Holmes, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1891 approving amendments to the City of Keller Unified Development Code, adopted by Ordinance No 1746, dated July 7, 2015 by amending Article 3, Definitions; and Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 Zoning Districts, Town Center, Section 8.06 Service Area Design and Requirements, Section 8.13 Screening Wall Requirements, Section 8.15 Supplementary Regulations, Section 8.18 Illustrations, and Section 8.19 Tree and Natural Feature Preservation. The motion carried unanimously.

4. PUBLIC HEARING: Consider an ordinance of the City Council of the City of Keller, Texas, amending the City of Keller Code of Ordinances by amending Chapter 8, Health and sanitation, Article I, Section 8-100, concerning growth of weeds and grass; providing a severability clause; providing a penalty; providing a conflicting ordinance clause; authorizing publication; and establishing an effective date.

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for an ordinance of the City Council of the City of Keller, Texas, amending the City of Keller Code of Ordinances by amending Chapter 8, Health and sanitation, Article I, Section 8-100, concerning growth of weeds and grass.

Discussion was held by the City Council.

No Action was taken.

## **J. DISCUSSION – None**

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

### **3. Adjourn into Open Meeting.**

### **4. Action on Executive Session Items 1 and 2 if necessary.**

## **L. ADJOURN**

Mayor Pat McGrail adjourned the meeting to reconvene into Work Session to finish the discussion on the Work Session items.



A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to adjourn the meeting at 8:59 P.M. The motion carried unanimously.

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Mayor

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City Secretary