



# 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, December 18, 2018**

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

##### **A. CALL TO ORDER - Mayor Pat McGrail**

Mayor Pat McGrail called the Pre-Council Meeting to order at 5:07 P.M.

The following City Council Members were present:

Mayor Pat McGrail  
Mayor Pro Tem Ed Speakmon  
Council Member Mitch Holmes  
Council Member Sean Hicks  
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 Mike Martin, Director of Community Services Cody Maberry, Director of Public Services/Economic Development Trina Zais, Director of Public Works Alonzo Liñán, Director of Administrative services 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. 128 Keller Parkway.

**3. Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.**

a. Block 3 W 50' 7 & 8, Keller City Addition, Keller, TX

**4. Adjourn into Open Meeting.**

**5. Action on Executive Session Items 1, 2, and 3 if necessary.**

Action on Executive Session Item 3a will be taken during the Regular Meeting.

**D. WORK SESSION**

**1. [Discuss proposed changes to City Council agenda format.](#)**

City Manager Mark Hafner discussed changing the City Council agenda format to allow the City Council to eat dinner at 5:00 P.M., and the Council Meeting to begin at 5:30 P.M. The change will begin with the January 15, 2019 Regular City Council meeting.

**E. ADJOURN**

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

**A. CALL TO ORDER – Mayor Pat McGrail**

Mayor Pat McGrail called the meeting to order at 7:09 P.M.

**B. INVOCATION**

Pastor John Salvesen, Bear Creek Bible Church, gave the invocation.

### C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail invited local Cub Scouts and Boy Scouts to lead 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. 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.

Ms. Debbie Wolf, 1285 Mount Gilead Road; Mr. Marty Baker, 9825 Amaranth Drive; Dr. Cathy Jackson, 1005 Hillview Drive; and Ms. Amy Keltner, 1521 Rockwood Drive, spoke in support of the Artful Mayhem mural requested to be located at 128 Keller Parkway.

### F. CONSENT

Mayor Pat McGrail announced that the Consent Item No. 4 will be discussed separately with a presentation done by Staff.

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Consent Items 1, 2, 3, and 5. The motion carried unanimously.**

1. [Consider approval of the Minutes of the Tuesday, December 4, 2018 Regular City Council Meeting.](#)

Approved

2. [Consider a resolution approving the purchase of one \(1\) replacement dump truck from Bruckner Truck Sales, Inc. of Fort Worth, Texas through the Buyboard Cooperative Purchasing Program; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4077

3. [Consider a resolution approving Amendment No. 2 to the Agreement for Water Service with the City of Fort Worth, Texas to clarify the ownership of the improvements at the Alta Vista Pump Station and wholesale water meter vault to serve additional capacity; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4078

4. [Consider a resolution approving a Professional Services Agreement with 360 Lifeview, LLC of Fort Worth, Texas, for the purpose of providing digital photography, videography and marketing services for the Economic Development Department, in an amount not to exceed \\$280,000.00; and further authorizes the City Manager to execute all contract documents.](#)

Director of Public Services and Economic Development Trina Zais gave a presentation relating to a Professional Services Agreement with 360 Lifeview, LLC of Fort Worth, Texas, for the purpose of providing digital photography, videography and marketing services for the Economic Development Department.

Discussion was held by the City Council.

**A motion was made by Mayor Pro Tem Ed Speakmon, seconded by Council Member Mitch Holmes, to deny a resolution approving a Professional Services Agreement with 360 Lifeview, LLC of Fort Worth, Texas, for the purpose of providing digital photography, videography and marketing services for the Economic Development Department, in an amount not to exceed \$280,000.00; and further authorizes the City Manager to execute all contract documents. The motion carried unanimously.**

5. [Consider a resolution rejecting the bid for Water/Sewer Line Parts from Ferguson Waterworks of Fort Worth, Texas and authorizing the City Manager to re-advertise the bid on behalf of the City of Keller, Texas.](#)

Resolution No. 4079

## **G. OLD BUSINESS**

1. [Consider a resolution approving a mural for Artful Mayhem, located at 128 Keller Parkway, and zoned OTK \(Old Town Keller\). Susan Clark, owner; Artful Mayhem Studio LLC, applicant.](#)

Administrative Services Manager Sarah Hensley gave a presentation relating to a request for a mural for Artful Mayhem, located at 128 Keller Parkway.

Ms. Sarah Zamora, Artful Mayhem, addressed the City Council regarding to the proposal.

**A motion was made by Mayor Pro Tem Ed Speakmon, seconded by Council member Mitch Holmes, to approve Resolution No. 4080 approving a mural for Artful Mayhem, located at 128 Keller Parkway, and zoned OTK (Old Town Keller). Susan Clark, owner; Artful Mayhem Studio LLC, applicant. The motion carried by the following vote:**

**YEA: Mayor Pat McGrail, Mayor Pro Tem Ed Speakmon, Council Member Mitch Holmes, Council Member Sean Hicks, and Council Member Eric Schmidt.**

**NAY: Council Member Chris Whatley and Council Member Tag Green.**

## **H. NEW BUSINESS**

1. PUBLIC HEARING: Consider an ordinance approving a Planned Development Amendment from PD-O (Planned Development-Office) to PD-O (Planned Development-Office), amending the Bloomfield Office Park (Ordinance No. 1036), an office development located on a 4.15-acre tract of land, Bloomfield Addition, Lots 1 through 8, block A, amending lots 1 and 5, allowing the buildable area to increase no greater than 8,612 square feet, and to allow the building peak to increase no greater than 39 feet, with an average build height of 30 feet, on the south side of Keller Parkway (FM 1709) approximately 400 feet east of Bear Hollow drive, 1722 Keller Parkway (FM 1709), zoned PD-O (Planned Development-Office), 170 Players, LLC, owner/applicant. (Z-18-0004).

Planner I Scott Bradburn gave a presentation relating to a request for a Planned Development Amendment from PD-O (Planned Development-Office) to PD-O (Planned Development-Office), amending the Bloomfield Office Park at 1722 Keller Parkway.

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 Sean Hicks, 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. 1918 approving a Planned Development Amendment from PD-O (Planned Development-Office) to PD-O (Planned Development-Office), amending the Bloomfield Office Park (Ordinance No. 1036), an office development located on a 4.15-acre tract of land, Bloomfield Addition, Lots 1 through 8, block A, amending lots 1 and 5, allowing the buildable area to increase no greater than 8,612 square feet, and to allow the building peak to increase no greater than 39 feet, with an average build height of 30 feet, on the south side of Keller Parkway (FM 1709) approximately 400 feet east of Bear Hollow drive, 1722 Keller Parkway (FM 1709), zoned PD-O (Planned Development-Office) with the following conditions:**

1. The buildings on Lots 1 and 5 shall not exceed (8,612) gross square feet.
2. The buildings on Lots 1 and 5 shall not exceed a building height greater than thirty-five feet (35'), with an average build height not to exceed thirty feet (30').
3. The building to be constructed on Lot 8 shall be restricted to (O) Office Use only.

**The motion carried unanimously.**

2. PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Code of Ordinances by adding a new Chapter 12 - Parks and Recreation, Section 12-160 - Youth Programs Standards of Care; providing a severability clause; authorizing publication; and providing an effective date.

The Keller Pointe Manager Jennifer Oakes gave a presentation relating to approving

amendments to the City of Keller Code of Ordinances by adding a new Chapter 12 - Parks and Recreation, Section 12-160 - Youth Programs Standards of Care.

Mayor Pat McGrail opened the public hearing.

Ms. Amy Wright, 8019 Derby Run Drive, North Richland Hills, expressed a question relating to background checks for employees.

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

**A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Ordinance No. 1919 approving amendments to the City of Keller Code of Ordinances by adding a new Chapter 12 - Parks and Recreation, Section 12-160 - Youth Programs Standards of Care; providing a severability clause; authorizing publication; and providing an effective date. The motion carried unanimously.**

3. [Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.07, Off-Street Parking and Loading Requirements, to allow front facing garage doors, approximately one hundred and forty four \(144\) square feet in total, exceeding the maximum allowed seventy-two \(72\) square feet of front facing garage door exposure to the street, located on an approximately 9.3306-acre tract of land on the south side of Union Church Road, located at the intersection of South Pearson Lane and Union Church Road, being Lots 1-13, Block A, The Enclave at Sky Creek, and zoned Planned Development Single-Family - 30,000 square foot minimum lot sizes \(PD-SF-30\). Calais Custom Homes, owner/applicant. \(UDC-18-0022\)](#)

Planner I Katasha Smithers gave a presentation relating to a request for a variance to the City of Keller Unified Development Code, to allow front facing garage doors in The Enclave at Sky Creek.

**A motion was made by Council Member Mitch Holmes, seconded by Council Member Sean Hicks, to approve Resolution No. 4081 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.07, Off-Street Parking and Loading Requirements, to allow front facing garage doors, approximately one hundred and forty four (144) square feet in total, exceeding the maximum allowed seventy-two (72) square feet of front facing garage door exposure to the street, located on an approximately 9.3306-acre tract of land on the south side of Union Church Road, located at the intersection of South Pearson Lane and Union Church Road, being Lots 1-13, Block A, The Enclave at Sky Creek, and zoned Planned Development Single-Family - 30,000 square foot minimum lot sizes (PD-SF-30) with the following conditions:**

**1. A variance to allow the garage doors facing the street shall be allowed.**

**2. A variance to exceed the allowed maximum of seventy-two (72) square feet, up**

to one hundred forty four (144) square feet for garage doors shall be allowed.

The motion carried by the following vote:

**YEA:** Mayor Pat McGrail, Mayor Pro Tem Ed Speakmon, Council Member Mitch Holmes, Council Member Sean Hicks, Council Member Chris Whatley and Council Member Tag Green.

**NAY:** Council Member Eric Schmidt.

4. [Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, to allow an existing 17.92 foot street width frontage and to extend into the lot for approximately 385 feet, located on a 4.75 acre tract of land, being Lot 8A of the Estes Farm Tracts, located on the south side of Shady Grove Road, approximately 440 feet southwest of the intersection of Keller Smithfield Road and Shady Grove Road, at 7224 Shady Grove Road, and zoned Single Family Residential - 36,000 square-foot lot size minimum \(SF-36\). Richard Holmes, applicant. Tina Pizarro, Pizarro Properties, owner. \(UDC-18-0023\)](#)

Planner I Katasha Smithers gave a presentation relating to a request for a variance to the City of Keller Unified Development Code, to allow an existing 17.92 foot street width frontage and to extend into the lot for approximately 385 feet, at 7224 Shady Grove Road.

**A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Resolution No. 4082 approving a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, to allow an existing 17.92 foot street width frontage and to extend into the lot for approximately 385 feet, located on a 4.75 acre tract of land, being Lot 8A of the Estes Farm Tracts, located on the south side of Shady Grove Road, approximately 440 feet southwest of the intersection of Keller Smithfield Road and Shady Grove Road, at 7224 Shady Grove Road, and zoned Single Family Residential - 36,000 square-foot lot size minimum (SF-36) with the following conditions:**

1. To allow a 17.92 foot access easement in lieu of the required sixty foot (60') access easement.
2. To allow a 17.92 foot street width frontage into the lot for approximately 385 feet.
3. Any home built on 7224 Shady Grove Road shall be protected by residential fire sprinklers regardless of square footage.

The motion carried unanimously.

5. [PUBLIC HEARING: Consider an ordinance replacing the City of Keller Land Use Element of the Keller Master Plan, adopted by Resolution No. 1051, dated August 31, 1998:](#)

bringing into conformance with state and federal laws and professional best practices; providing a conflicting ordinance clause; authorizing publication; and establishing an effective date.

Ms. Wendy Shabay, Freese & Nichols, gave a presentation relating to the update to the the City of Keller Land Use Element.

Mayor Pat McGrail opened the public hearing.

Mr. Craig Carson, 756 Bandit Trail; Mr. Brian Campbell, 1201 Johnson Road; Ms. Pamela Turner, 1116 Keller Smithfield Road S., all spoke their concerns with the proposed Future Land Use plan.

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to continue the public hearing and to table the agenda item to the Tuesday, January 15, 2019 Regular City Council Meeting. The motion carried unanimously.**

6. Consider a resolution accepting the proposed Old Town Keller Phase II Implementation Plan and Conceptual Layout.

Administrative Services Manager Sarah Hensley gave a presentation relating to the proposed Old Town Keller Phase II Implementation Plan and Conceptual Layout.

Discussion was held by the City Council.

**A motion was made by Council Member Sean Hicks, seconded by Mayor Pat McGrail, to approve Resolution No. 4083 accepting the proposed Old Town Keller Phase II Implementation Plan and Conceptual Layout. The motion carried by the following vote:**

**YEA: Mayor Pat McGrail, Mayor Pro Tem Ed Speakmon, Council Member Mitch Holmes, and Council Member Sean Hicks.**

**NAY: Council Member Eric Schmidt, Council Member Chris Whatley, and Council Member Tag Green.**

## **I. DISCUSSION – None**

## **J. EXECUTIVE SESSION**



**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. 128 Keller Parkway.

**3. Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.**

a. Block 3 W 50' 7 & 8, Keller City Addition, Keller, TX

**4. Adjourn into Open Meeting.**

**5. Action on Executive Session Items 1, 2, and 3 if necessary.**

A motion was made by Mayor Pro Tem Ed Speakmon, seconded by Council Member Chris Whatley, to authorize the Economic Development Director to purchase Block 3 W 50' 7 & 8, Keller City Addition, Keller, TX, for a price not to exceed \$130,000. The motion carried unanimously.

**K. ADJOURN**

A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to adjourn the meeting at 10:59 P.M. The motion carried unanimously.

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Mayor

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City Secretary

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