



# **City of Keller**

## **City Council**

### **Meeting Minutes**

**Tuesday, June 6, 2017**

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

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

#### **A. CALL TO ORDER - Mayor Pro Tem Rick Barnes called the meeting to order at 5:08 P.M.**

The following City Council Members were present:

Council Member Debbie Bryan  
Council Member Armin Mizani  
Council Member Ed Speakmon  
Council Member Eric Schmidt  
Council Member Chris Whatley  
Mayor Pro Tem Rick Barnes

Mayor Mark Mathews was absent.

Administrative personnel present were City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Public Services/Economic Development Trina Zais, Director of Administrative Services/Human Resources Carolyn Nivens, Director of Community Services Cody Maberry, Director of Finance Aaron Rector, Director of Information Technology Sean Vreeland, Director of Public Works Alonzo Liñán, Police Chief Michael 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 Mark Mathews 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. Adjourn into Open Meeting.

**The Pre-Council Meeting was called back to order by Mayor Pro Tem Rick Barnes.**

3. Action on Executive Session Item 1 if necessary.

- 1. No action was taken.**

#### **D. WORK SESSION**

1. Discuss cancelation of the Tuesday, July 4, 2017 Regular City Council Meeting.

**The City Council canceled the Tuesday, July 4, 2017 Regular City Council Meeting.**

2. Discuss Property Tax Rate Calculations and Homestead Exemption.

**Mr. Aaron Rector, Director of Finance, gave a presentation relating to Property Tax Rate Calculations and Homestead Exemption.**

3. Discuss Boards and Commissions appointments.

**The City Council discussed 2017 Boards and Commissions appointments.**

#### **E. ADJOURN**

**Mayor Pro Tem Rick Barnes adjourned the Pre-Council Meeting at 7:03 P.M.**

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

- A. CALL TO ORDER – Mayor Pro Tem Rick Barnes called the meeting to order at 7:10 P.M.**

#### **B. INVOCATION**

**Mr. John Salvesen, Bear Creek Bible Church, gave the invocation.**

#### **C. PLEDGE OF ALLEGIANCE**

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."

**Mayor Pro Tem Rick Barnes led the pledges to the United States and Texas flags.**

#### **D. PROCLAMATIONS & PRESENTATIONS**

1. **National Fire Academy, Managing Officer Certificate of Completion presentation.**

**Fire Chief David Jones presented the National Fire Academy, Managing Officer Certificate of Completion, to Battalion Chief Charles Mitchell.**

#### **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 Regular City Council Meeting on Tuesday, May 16, 2017.

**The Minutes of the Regular City Council Meeting on Tuesday, May 16, 2017, will be postponed to the June 20, 2017 Regular City Council Meeting.**

2. Consider a resolution of the City Council of the City of Keller, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2017 Rate Review Mechanism (RRM) filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustment consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustment if federal income tax rates change; terminating the RRM process for 2018 pending renegotiation of RRM terms and conditions; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

**A motion was made by Council Member Armin Mizani, seconded by Council Member Ed Speakmon, to approve Resolution No. 3882 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos**

**Energy Corp., Mid-Tex Division regarding the company's 2017 Rate Review Mechanism (RRM) filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustment consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustment if federal income tax rates change; terminating the RRM process for 2018 pending renegotiation of RRM terms and conditions; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel. The motion carried unanimously.**

2. Consider a resolution amending Resolution No. 3877, approved on May 16, 2017, canvassing the General Election duly held in the City of Keller, Texas, on the 6th day of May 2017, for Mayor, City Council Place 5, and City Council Place 6.

**A motion was made by Council Member Armin Mizani, seconded by Council Member Ed Speakmon, to approve Resolution No. 3883 amending Resolution No. 3877, approved on May 16, 2017, canvassing the General Election duly held in the City of Keller, Texas, on the 6th day of May 2017, for Mayor, City Council Place 5, and City Council Place 6. The motion carried unanimously.**

4. Consider a resolution authorizing the use of the Construction Manager-At-Risk Method for the Alta Vista Pump Station, and the Competitive Sealed Proposals Method for the Alta Vista Transmission Main projects, as the best value project delivery methods for the City of Keller, other than competitive bidding.

**A motion was made by Council Member Armin Mizani, seconded by Council Member Ed Speakmon, to approve Resolution No. 3884 authorizing the use of the Construction Manager-At-Risk Method for the Alta Vista Pump Station, and the Competitive Sealed Proposals Method for the Alta Vista Transmission Main projects, as the best value project delivery methods for the City of Keller, other than competitive bidding. The motion carried unanimously.**

5. Consider a resolution authorizing the City Manager to execute Contract Change Authorization #3 to the Agreement for Professional Services with Freese and Nichols, Inc. providing additional engineering services relating to the Alta Vista Pump Station project.

**A motion was made by Council Member Armin Mizani, seconded by Council Member Ed Speakmon, to approve Resolution No. 3885 authorizing the City Manager to execute Contract Change Authorization #3 to the Agreement for Professional Services with Freese and Nichols, Inc. providing additional engineering services relating to the Alta Vista Pump Station project. The motion carried unanimously.**

6. Consider a resolution authorizing the City Manager to execute Contract Change Authorization #1 to the Agreement for Professional Services with Freese and Nichols,

Inc. providing additional engineering services relating to the Alta Vista Transmission Main project.

A motion was made by Council Member Armin Mizani, seconded by Council Member Ed Speakmon, to approve Resolution No. 3886 authorizing the City Manager to execute Contract Change Authorization #1 to the Agreement for Professional Services with Freese and Nichols, Inc. providing additional engineering services relating to the Alta Vista Transmission Main project. The motion carried unanimously.

## **G. OLD BUSINESS**

1. **PUBLIC HEARING:** Consider an ordinance approving a Planned Development Zoning Change from SF-8.4 (Single Family Residential-8,400 square-foot minimum) and SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) and PD-SF-15 (Planned Development-Single Family Residential-15,000 square foot minimum) for Westbury Estates, a proposed residential subdivision consisting of twenty four (24) residential lots and two (2) open space lots, located on an approximately 9.57-acre tract of land, being Lots 1-R-1, 1-R-2, and 2-R, Block A, Delamora Addition, located on the southeast corner of Rapp Road and Whitley Road, at 1319 and 1325 Whitley Road and 210 Rapp Road. Sylvia De Lamora, owner. John Shehata, Elite Development and Construction, applicant, Jim Dewey, JDJR Engineers and Consultants, surveyor/engineer. (Z-17-0003)

This item was withdrawn by the applicant.

## **H. NEW BUSINESS**

1. **PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) for an approximately 2,100 square foot detached garage, located on 3.8-acres, on the west side of Randol Mill Avenue, approximately seventy-five feet (75') north of Wildwood Way, at 1150 Randol Mill Avenue, being Lot 1R1, Block, Aspen Oaks Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). Marshall and Lynette Kovalik, owners/applicants. (SUP-17-0011)Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a Specific Use Permit (SUP) for an approximately 2,100 square foot detached garage, located on 3.8-acres, on the west side of Randol Mill Avenue, approximately seventy-five feet (75') north of Wildwood Way, at 1150 Randol Mill Avenue.

Mayor Pro Tem Rick Barnes opened the public hearing.  
No public comments were received.

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

A motion was made by Council Member Chris Whatley, seconded by Council

**Member Armin Mizani, to approve Ordinance No. 1846 approving a Specific Use Permit (SUP) for an approximately 2,100 square foot detached garage, located on 3.8-acres, on the west side of Randol Mill Avenue, approximately seventy-five feet (75') north of Wildwood Way, at 1150 Randol Mill Avenue, being Lot 1R1, Block, Aspen Oaks Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). Marshall and Lynette Kovalik, owners/applicants. (SUP-17-0011) The motion carried unanimously.**

2. Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a Planned Development Amendment to amend the previously approved Planned Development for the Century 21 Worldwide development, to allow an additional 2,000 square-foot office building, located on a 1.643-acre tract of land, being Lot 1, Block 1, Flower Addition, on the north side of Keller Parkway, approximately 560 feet west of Bloomfield Drive, at 1727 Keller Parkway.

**Mayor Pro Tem Rick Barnes opened the public hearing.  
No public comments were received.**

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

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1847 approving a Planned Development Amendment to amend the previously approved Planned Development for the Century 21 Worldwide development, to allow an additional 2,000 square-foot office building, located on a 1.643-acre tract of land, being Lot 1, Block 1, Flower Addition, on the north side of Keller Parkway, approximately 560 feet west of Bloomfield Drive, at 1727 Keller Parkway, and zoned PD-R (Planned Development-Retail). Ellen Johnston, owner/applicant/developer. Thomas Hoover Engineering, Inc., engineer. (Z-17-0006) 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 8.10, Accessory Buildings, for an accessory building to be located in front of the main structure, for Lot 1R-2R-1, Block A, Lord Addition, located on a total of 4.18-acres of land, on the east side of Whitley Road, approximately 1,150 feet south of Rapp Road, at 1455 Whitley Road, and zoned SF-36 (Single Family Residential-36,000 square-foot minimum). John and Mary Lord, owners/applicants. (UDC-17-0009).

**Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.10, Accessory Buildings, for an accessory building to be located in front of the main structure, for Lot 1R-2R-1, Block A, Lord Addition, located on a total of 4.18-acres of land, on the east side of Whitley Road, approximately 1,150 feet south of Rapp Road, at 1455 Whitley Road.**

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Resolution No. 3887 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.10, Accessory Buildings, for an accessory building to be located in front of the main structure, for Lot 1R-2R-1, Block A, Lord Addition, located on a total of 4.18-acres of land, on the east side of Whitley Road, approximately 1,150 feet south of Rapp Road, at 1455 Whitley Road, and zoned SF-36 (Single Family Residential-36,000 square-foot minimum). John and Mary Lord, owners/applicants. (UDC-17-0009) The motion carried unanimously.**

4. Consideration and action regarding a resolution directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for water and sewer system improvements, street improvements, fire station improvements and related issuance costs.

**Mr. Aaron Rector, Director of Finance, gave a presentation relating to a resolution directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for water and sewer system improvements, street improvements, fire station improvements and related issuance costs.**

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Armin Mizani, to approve Resolution No. 3888 directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for water and sewer system improvements, street improvements, fire station improvements and related issuance costs. 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. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

**Item 1. No Action**

**K. ADJOURN**

**Mayor Pro Tem Rick Barnes recessed the Regular Meeting at 7:47 P.M. to resume Work Session discussions.**

**A motion was made by Council Member Chris Whatley, seconded by Council Member Eric Schmidt, to adjourn the meeting at 9:11 P.M. The motion carried unanimously.**

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Mayor

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City Secretary