



City of Keller

City Council

Meeting Minutes

Tuesday, August 1, 2017

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Pat McGrail called the Pre-Council Meeting to order at 5:06 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 Community Services Cody Maberry, Director of Public Services & Economic Development Trina Zais, Director of Public Works Alonzo Liñán, Director of Finance Aaron Rector, Director of Information Technology Sean Vreeland, Police Chief Mike Wilson, and Battalion Chief Shane Gainer.

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. Braum's Restaurant and Fresh Market.

2. Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or other matters permitted by such section.

a. Johnson Road Coalition, LLC vs. Taylor Dent, Jennifer Dent, and David Hawkins.

3. Adjourn into Open Meeting.

The Pre-Council Meeting was called back to order by Mayor Pat McGrail.

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

No action was taken.

D. WORK SESSION

1. **Discuss cancelation of the October 3, 2017 Regular City Council Meeting.**

The City Council canceled the October 3, 2017 Regular City Council Meeting due to the Texas Municipal League Annual Conference.

2. **2017 Community Waste Disposal Market Adjustment**

Mrs. Sarah Hensley, Management Assistant, gave a presentation relating to the 2017 Community Waste Disposal Market Adjustment. Mr. Robert Medigovich, Municipal Coordinator for Community Waste Disposal, was present to address the City Council.

3. **Strategic Planning Budget Work Session - Property Tax and Proposed Budget Update.**

Mr. Aaron Rector, Director of Finance, gave a presentation relating to property tax and a proposed budget update.

E. ADJOURN

The Pre-Council Meeting was adjourned by Mayor Pat McGrail at 7:12 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail called the Regular Meeting to order at 7:20 P.M.

B. INVOCATION

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

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail led the Pledge to the United States and the 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 Keep Texas Beautiful award.

Mr. Robert Medigovich, Community Waste Disposal (CWD) Municipal Coordinator, presented the 2017 Keep Texas Beautiful award to the City of Keller. Mrs. Sarah Hensley, Management Assistant, accepted the award.

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, July 18, 2017.

The minutes of the Regular City Council Meeting on Tuesday, July 18, 2017 will be approved at the August 15, 2017 Regular City Council Meeting.

G. OLD BUSINESS - None

1. PUBLIC HEARING: Consider an ordinance approving a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a

proposed 11,900 square-foot non-residential development, located on a 1.894-acre tract of land out of the John Edmonds Survey, Abstract No. 457, Tract 3H, on the north side of North Tarrant Parkway, approximately 980 feet north of Rufe Snow Drive, at 1801 Rufe Snow Drive, and zoned PD-NS (Planned Development-Neighborhood Service). Frank Roszell, owner. Michael J. Wright, M. J. Wright & Associates, Inc., applicant/developer. (Z-17-0004)

Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for an ordinance approving a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a proposed 11,900 square-foot non-residential development, located on a 1.894-acre tract of land out of the John Edmonds Survey, Abstract No. 457, Tract 3H, on the north side of North Tarrant Parkway, approximately 980 feet north of Rufe Snow Drive, at 1801 Rufe Snow Drive.

Ms. Vandolyn Roszell and Mr. Frank Roszell, 2230 Union Church Road, addressed the City Council regarding the proposal.

Mayor Pat McGrail opened the public hearing.

The following individuals spoke in opposition to the proposed Planned Development Amendment: Mr. Craig Kaine, 1523 Briar Meadow Dr.; Mr. Thomas Diver, 701 Waters Edge; Mr. David Theobald, 703 Waters Edge; Mr. William Crum, 1544 Briar Meadow Dr.; Mr. Chris Rosenbaum, 1546 Briar Meadow Dr.; Mr. Eric Butcher, 700 Waters Edge; Ms. Wanda Butcher, 700 Waters Edge; and Mr. James Gore 702 Waters Edge.

A motion was made by Council Member Debbie Bryan, 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 Debbie Bryan, to table the request for an ordinance approving a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a proposed 11,900 square-foot non-residential development, located on a 1.894-acre tract of land out of the John Edmonds Survey, Abstract No. 457, Tract 3H, on the north side of North Tarrant Parkway, approximately 980 feet north of Rufe Snow Drive, at 1801 Rufe Snow Drive, and zoned PD-NS (Planned Development-Neighborhood Service). The motion carried unanimously.

H. NEW BUSINESS

- 1. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of 'School, Private', for Best Brains Learning Center, a proposed business in an existing 1,084 lease space, on approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, being Lot 1, Block 1, Hudson Station Addition and zoned OTK (Old Town Keller). Hudson Station Property LP, owner. Alice Ward-Johnson, applicant. (SUP-17-0013)**

Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) to allow the use of 'School, Private', for Best Brains Learning Center, a proposed business in an existing 1,084 lease space, on approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street.

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

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

A motion was made by Council Member Debbie Bryan, seconded by Council Member Chris Whatley, to approve Ordinance No. 1854 approving a Specific Use Permit (SUP) to allow the use of 'School, Private', for Best Brains Learning Center, a proposed business in an existing 1,084 lease space, on approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, being Lot 1, Block 1, Hudson Station Addition and zoned OTK (Old Town Keller). The motion carried unanimously.

- 2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Evergreen Massage, a proposed massage therapy business in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South Main Street (US HWY 377), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street, being Lot 2, Block A, Bear Creek Plaza Addition and zoned C (Commercial). BC/Tibex L.P., owner. Quine & Associates, Agent. Michael Postlethwait, applicant. (SUP-17-0012)**

Mr. David Hawkins, Planning Manager gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Evergreen Massage, a proposed massage therapy business in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South Main Street (US HWY 377), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street.

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

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

A motion was made by Council Member Tag Green, seconded by Council Member Debbie Bryan, to approve Ordinance No. 1855 approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Evergreen Massage, a proposed massage therapy business in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South

Main Street (US HWY 377), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street, being Lot 2, Block A, Bear Creek Plaza Addition and zoned C (Commercial). The motion carried unanimously.

- 3. PUBLIC HEARING: Consider an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven (11) residential lots and two (2) open space lots, on a portion of an approximately 9.4-acre property, being Tracts 4D, 4E, 4G, 4H and 4J, out of the Lewis A. Clay Survey, Abstract No. 346, located on the south side of the Union Church Road and Pearson Lane intersection, addressed as 2012, 2022, and 2030 Union Church Road. Larry and Gwen Pipes, Ronny and Jeanette Pipes, owners. DR Trinity Land, applicant/developer. Thomas Hoover Engineering, engineer. (Z-17-0009)**

Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven (11) residential lots and two (2) open space lots.

Mayor Pat McGrail opened the public hearing.

The following individuals spoke in opposition to the proposed Planned Development Zoning Change: Ms. Bonnie Baker, 440 S. Pearson Lane; Ms. Cheryl Burns, 336 S. Pearson Lane; Mrs. Tonya Fuqua, 2034 Union Church Road; and Mr. Steve Fuqua, 2034 Union Church Road.

The following individuals spoke in support of the proposal: Mr. Micah Young, 1521 Spanish Bay Dr., Mr. Joe Pipes, 4901 Dory Court, North Richland Hills, Texas; and Mr. Monte Pipes, 4101 Sagemont, Tyler, Texas.

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

A motion was made by Council Member Armin Mizani, seconded by Council Member Tag Green, to approve an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for Enclave at Sky Creek. The motion failed due to lack of a super-majority with the following vote:

AYES: Mayor Pat McGrail, Council Member Armin Mizani, Council Member Chris Whatley, and Council Member Tag Green.

NAYS: Mayor Pro Tem Debbie Bryan, Council Member Ed Speakmon, and Council Member Eric Schmidt.

Discussion was held by the City Council.

A motion was made by Council Member Armin Mizani, seconded by Council Member Tag Green, to table the request for an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven (11) residential lots and two (2) open space lots, on a portion of an approximately 9.4-acre property, being Tracts 4D, 4E, 4G, 4H and 4J, out of the Lewis A. Clay Survey, Abstract No. 346, located on the south side of the Union Church Road and Pearson Lane intersection, addressed as 2012, 2022, and 2030 Union Church Road. 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. Braum's Restaurant and Fresh Market.

2. Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or other matters permitted by such section.

a. Johnson Road Coalition, LLC vs. Taylor Dent, Jennifer Dent, and David Hawkins.

3. Adjourn into Open Meeting.

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

K. ADJOURN

A motion was made by Council Member Debbie Bryan, seconded by Council Member Tag Green, to adjourn the meeting at 11:10 P.M. The motion carried unanimously.

Mayor

City Secretary