



City of Keller

City Council

Meeting Minutes

Tuesday, November 21, 2017

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Pat McGrail called the meeting to order at 5:02 P.M.

The following City Council Members were present:

Mayor Pat McGrail

Mayor Pro Tem Debbie Bryan

Council Member Armin Mizani (arrived at 5:48 P.M.)

Council Member Eric Schmidt

Council Member Tag Green

Council Member Ed Speakmon and Council Member Chris Whatley were absent.

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 Works Alonzo Liñán, Director of Finance Aaron Rector, Director of Information Technology Sean Vreeland, 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

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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. Natural Grocers.

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. Meadows at Bear Creek Homeowners' Association Inc. vs. David Hawkins, Planning Manager and City of Keller.

c. Deborah Thompson vs. City of Keller.

3. Adjourn into Open Meeting.

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

No action was taken.

D. WORK SESSION

1. Review of Procurement Law and Procedures

Mr. Aaron Rector, Director of Finance gave a presentation relating to procurement law and procedures.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council meeting at 6:43 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail called the Regular Meeting to order at 7:02 P.M.

B. INVOCATION

Mr. Dave Bream, Hillside Community Church gave the invocation.

C. PLEDGE OF ALLEGIANCE

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

D. PROCLAMATIONS & PRESENTATIONS

1. Proclamation -Texas Arbor Day, Tree City USA.
Mayor Pro Tem Debbie Bryan presented a proclamation recognizing Texas Arbor Day, to Recreation Manager Jennifer Basham.
2. Presentation - Community Economic Development Award Merit Recognition.
Mayor Pat McGrail presented a Community Economic Development Award Merit Recognition to Economic Development Coordinator Mary Meier.
3. Presentation - Distinguished Budget Award.
Director of Finance Aaron Rector, presented the Distinguished Budget Award to the City of Keller's Finance Department.
4. Presentation - Certificate of Achievement for Planning Excellence from the American Planning Association, Texas Chapter.
Mayor Pat McGrail presented the Certificate of Achievement for Planning Excellence from the American Planning Association, Texas Chapter to Senior Planner Michele Berry.
5. Presentation - Certificate of Achievement for Excellence in Financial Reporting.
Director of Finance Aaron Rector, presented the Certificate of Achievement for Excellence in Financial Reporting to the City of Keller's Finance Department.

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.

Mr. Haeger Long, 1535 Rosewood, Keller, TX, expressed his concerns regarding City Police and Animal Control processes.

F. 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.

1. Consider approval of the Minutes of the Tuesday, October 17, 2017 Regular City Council Meeting.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve the Minutes of the Tuesday, October 17, 2017 Regular City Council Meeting. The motion carried unanimously.
2. Consider approval of the Minutes of the Friday, October 27, 2017 City Council Planning Work Session of the City Council.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve the Minutes of the Friday, October 27, 2017 City Council Planning Work Session. The motion carried unanimously.

3. Consider approval of the Minutes of the Tuesday, November 7, 2017 Regular City Council Meeting.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve the Minutes of the Tuesday, November 7, 2017 Regular City Council Meeting. The motion carried unanimously.

4. Consider a resolution casting votes for nominee(s) for the Board of Directors of the Tarrant Appraisal District for a two-year term beginning January 1, 2018.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3954 casting all 31 votes for Mr. Mark Wood, for the Board of Directors of the Tarrant Appraisal District for a two-year term beginning January 1, 2018. The motion carried unanimously.

5. Consider a resolution approving an Interlocal Agreement with the Trinity River Authority of Texas to provide technical services for the City of Keller Wastewater Pretreatment Program, and authorizing the City Manager to execute said Agreement on behalf of the City of Keller.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3955 approving an Interlocal Agreement with the Trinity River Authority of Texas to provide technical services for the City of Keller Wastewater Pretreatment Program, and authorizing the City Manager to execute said Agreement on behalf of the City of Keller. The motion carried unanimously.

6. Consider a resolution approving a Construction Manager At Risk (CMAR) Services Agreement for preconstruction and procurement services with Felix Construction Company, Inc., of Carrollton, Texas, for the Alta Vista Pump Station Project (Project No. 601201), and establishing the CMAR fee, and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3956 approving a Construction Manager At Risk (CMAR) Services Agreement for preconstruction and procurement services with Felix Construction Company, Inc., of Carrollton, Texas, for the Alta Vista Pump Station Project (Project No. 601201), and establishing the CMAR fee, and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller. The motion carried unanimously.

7. Consider a resolution vacating and abandoning a temporary construction easement previously granted by Richard J. and Jo Anne Gibson, referenced in the exhibit to the permanent utility easement granted to the City of Keller, Texas and filed of record as document D202105492 in the real property records of Tarrant County Texas; declaring

that such easement is unnecessary for use by the public; and authorizing the City Manager to execute a quitclaim deed releasing and assigning this easement to the owners of the fee estate.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3957 abandoning a 5,537 square foot temporary construction easement as recorded in document number D202105492 of the deed records of Tarrant County, Texas associated with the construction of the 16" water line along US Hwy 377 from Katy Road to Johnson Road. The motion carried unanimously.

8. Consider a resolution approving an Interlocal Agreement between the City of Fort Worth and the City of Keller for the construction and materials testing for the Mt. Gilead and US 377 Intersection Improvements Project (Project No. 501501); and authorizing the City Manager to execute said agreement on behalf of the City of Keller.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3958 approving an Interlocal between the City of Fort Worth and the City of Keller for the construction and materials testing for the Mt. Gilead and US 377 Intersection Improvements Project (Project No. 501501); and authorizing the City Manager to execute said agreement on behalf of the City of Keller. The motion carried unanimously.

9. Consider a resolution approving an agreement for professional services with Teague, Nall and Perkins, Inc., of Fort Worth, Texas, for the purpose of providing engineering services, relating to the design and construction for the Water System Capital Improvements Plan - Phase 1 Project; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas. (Project No. 601704)

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3959 approving an agreement for professional services with Teague, Nall and Perkins, Inc., of Fort Worth, Texas, for the purpose of providing engineering services, relating to the design and construction for the Water System Capital Improvements Plan - Phase 1 Project; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas. (Project No. 601704) The motion carried unanimously.

10. Consider a resolution approving a mural for Nikko Blu Designs, a 2,000 square-foot retail use, located on a 0.06-acre lot, on the northeast corner of the Main Street (US Hwy 377) and East Vine Street intersection, legally described as Lot 8, Block 10, City of Keller Addition, at 105 East Vine Street, and zoned OTK (Old Town Keller). Lisa Davis, owner. Kim Waczak, Nikko Blu Designs, applicant.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to approve Resolution No. 3960 approving a mural for Nikko Blu Designs, a 2,000 square-foot retail use, located on a 0.06-acre lot, on the northeast corner of the Main Street (US Hwy 377) and East Vine Street intersection, legally described as Lot 8, Block 10, City of Keller Addition, at 105 East Vine Street, and zoned OTK (Old Town Keller). The motion carried

unanimously.

G. OLD BUSINESS

1. PUBLIC HEARING: Consider an ordinance approving a Planned Development Zoning Change from PD-O (Planned Development - Office) to PD-O (Planned Development - Office), amending the Adalina at Bloomfield Planned Development Ordinance No. 1353), to allow a reconfiguration of the building layout and to subdivide one (1) lot into six (6) lots, on an approximately 3.31-acre property, being Lot 1, Block C, Adalina at Bloomfield Addition, located on the south side of Keller Parkway (FM1709), approximately one hundred sixty feet (160') west of the intersection of Keller Parkway (FM1709) and Bloomfield Drive, addressed as 1750 Keller Parkway (FM1709). Abercrombie Holdings, LLC, owner. Castle Development, applicant. Matt Moore, Claymoore Engineering, engineer. (Z-17-0014)

Mrs. Michele Berry, Senior Planner, gave a presentation relating to a request for an ordinance approving a Planned Development Zoning Change from PD-O (Planned Development - Office) to PD-O (Planned Development - Office), amending the Adalina at Bloomfield Planned Development (Ordinance No. 1353), to allow a reconfiguration of the building layout and to subdivide one (1) lot into six (6) lots, on an approximately 3.31-acre property, being Lot 1, Block C, Adalina at Bloomfield Addition, located on the south side of Keller Parkway (FM1709), approximately one hundred sixty feet (160') west of the intersection of Keller Parkway (FM1709) and Bloomfield Drive, addressed as 1750 Keller Parkway (FM1709).

Mr. Clay Christy, Claymoore Engineering, and Ms. Christy Abercrombie, property owner, 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 Council Member Eric Schmidt, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Armin Mizani, to approve Ordinance No. 1870 approving a Planned Development Zoning Change from PD-O (Planned Development - Office) to PD-O (Planned Development - Office), amending the Adalina at Bloomfield Planned Development (Ordinance No. 1353), to allow a reconfiguration of the building layout and to subdivide one (1) lot into six (6) lots, on an approximately 3.31-acre property, being Lot 1, Block C, Adalina at Bloomfield Addition, located on the south side of Keller Parkway (FM1709), approximately one hundred sixty feet (160') west of the intersection of Keller Parkway (FM1709) and Bloomfield Drive, addressed as 1750 Keller Parkway (FM1709), with the following amended conditions:

- 1. Minimum lot size: 10,499 S.F.**
- 2. Minimum lot width: 87'**

3. **Minimum front yard: 30'**
4. **Minimum side yard: 3'**
5. **Minimum rear yard: 4'**
6. **Maximum height: 1 story, 35' maximum**
7. **Landscape buffers shall be 30' along the front yard (FM 1709) and a minimum of three feet (3') along side yards, and four feet (4') along rear yards to be considered.**
8. **Buffer trees within the 30' landscape buffer along FM 1709 shall be 4-inch caliper trees spaced every 25 feet; Two (2) ornamental trees planted in clusters spaced every 50 feet and evergreen shrubs planted between buildings 5 & 6 to screen parking from FM 1709. Buffer trees within the 10' side buffer yards shall be 3-inch caliper trees spaced every 30-feet. Buffer trees within in 15' rear buffer yard shall be 3-inch caliper trees spaced every 30-feet.**
9. **All buildings shall have the same architectural style and materials.**
10. **Dumpsters will be screened by a 6-foot masonry screening wall with solid metal gates as required by the City of Keller. The screening wall shall match the colors and materials of the proposed office building and the solid metal gates shall be painted to match the colors of the proposed buildings.**
11. **The 6-foot masonry screening wall along the south property line of Lot 1, Block C, shall be built during the development of the residential lots of Adalina at Bloomfield.**
12. **All uses permitted in the office zoning district will be allowed in this development.**
13. **All site signage and site lighting shall conform to the City of Keller Unified Development Code.**
14. **All site landscaping, except as noted on this zoning exhibit, shall conform to the landscaping requirements of the City of Keller Unified Development Code.**
15. **A Building Owners Association will be established for this office development. The Building Owners Association will be responsible for maintaining all landscaping, irrigation, screening walls, driveways, and private detention facilities within Lots 1R and 2-6, Block C, of Adalina at Bloomfield.**
16. **Cross access connection will be constructed when the property to the east and west develop in the future.**

17. A detailed site plan application will be submitted for each phase of the office park development.
18. A TXDOT driveway permit shall be approved prior to building the driveway approach at FM 1709.

And the following new variances:

19. A variance for the foundation planting requirement to be waived for Building 3 as shown in "Exhibit A" shall be allowed.
20. A variance to plant Leyland Cypress trees along the rear buffer in lieu of the required three (3) caliper inch large canopy trees, as shown on the landscaping plan in "Exhibit A" shall be allowed.

The motion carried (4-1) by the following vote:

AYES: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Armin Mizani, and Council Member Tag Green.

NAY: Council Member Eric Schmidt.

H. NEW BUSINESS

1. Consider a resolution approving a Site Plan for a single story 10,209 square-foot child daycare facility with variances, located on a 1.53-acre lot, on the south side of Ridge Point Parkway, approximately 225 feet east of the Ridge Point Parkway and North Main Street (HW377) intersection, being a portion of Tract 1A1, Abstract No. 1305, out of the J J Roberts Survey, at 1400 N Main Street, and zoned C-N377 (Commercial-U.S. Highway 377 North Corridor Overlay District). Engler Acquisition Partners, owner. Chasdin Builders, applicant. (SP-17-0010)

Mrs. Michele Berry, Senior Planner, gave a presentation relating to a request for a resolution approving a Site Plan for a single story 10,209 square-foot child daycare facility with variances, located on a 1.53-acre lot, on the south side of Ridge Point Parkway, approximately 225 feet east of the Ridge Point Parkway and North Main Street (HW377) intersection, being a portion of Tract 1A1, Abstract No. 1305, out of the J J Roberts Survey, at 1400 N Main Street.

Mr. Mahesh Gajjala, Chasdin Builders, gave a presentation relating to the proposal.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Armin Mizani, to approve Resolution No. 3961 approving a Site Plan for a single story 10,209 square-foot child daycare facility with variances, located on a 1.53-acre lot, on the south side of Ridge Point Parkway, approximately 225 feet east of the Ridge Point Parkway and North Main Street (HW377) intersection, being a portion of Tract 1A1, Abstract No. 1305, out of the J J Roberts Survey, at 1400 N Main Street, and zoned C-N377 (Commercial-U.S. Highway 377 North Corridor Overlay District), with the following conditions:

- 1. A variance to reduce the front landscaping buffer along Ridge Point Parkway to five feet (5') from the required fifteen feet (15') shall be allowed.**
- 2. A variance for the play area to encroach within the thirty-foot (30') landscape buffer shall be allowed. The required buffer trees will still be installed.**
- 3. A variance to waive the buffer tree requirement within the seventy-five foot (75') wide gas easement along the east side of the property shall be allowed.**
- 4. A variance to waive the screening wall requirement shall be allowed.**

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.

b. Natural Grocers.

- 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. Meadows at Bear Creek Homeowners' Association Inc. vs. David Hawkins, Planning Manager and City of Keller.

d. Deborah Thompson vs. City of Keller.

- 3. Adjourn into Open Meeting.**
- 4. Action on Executive Session Items 1a, 2a, and 2b if necessary.**

No action was taken.

K. ADJOURN

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to adjourn the meeting at 8:24 P.M. The motion carried unanimously.

Mayor

City Secretary