



City of Keller

City Council

Meeting Minutes

Keller Town Hall
1100 Bear Creek Parkway
Keller, TX 76248
817-743-4000
www.cityofkeller.com

Tuesday, February 6, 2018

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 5:35 P.M.)

Council Member Ed Speakmon

Council Member Eric Schmidt

Council Member Chris Whatley (departed at 6:56 P.M.)

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 Public Services and Community Development Trina Zais, Director of Public Works Alonzo Liñán, Director of Finance 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.

a. Property located at 712, 720, 800, 818, and 820 North Main Street.

b. Property located at 2321 Florence Road.

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, 1b, 2a, 2b, and 2c if necessary.

No Action was taken.

D. WORK SESSION

Work Session was held after the regular meeting at 8:17 P.M.

1. Receive and discuss a presentation regarding a proposal to relocate the Keller Farmers Market.

Brian Boerner, Keller Farmers Market Board Secretary gave a presentation relating to the proposal to relocate the Keller Farmers Market to Bear Creek Park.

The City Council approved the request to move the Keller Farmers Market to Bear Creek Park.

2. Discuss the Cherry Grove/Rancho Serena drainage issue.

Mr. Dana Pierce, 1308 Arboledas Lane, addressed the City Council and gave a presentation relating to drainage in the Cherry Grove and Rancho Serena

neighborhoods. Director of Public Works Alonzo Liñán presented the City's response to this issue. Discussion was held by the City Council.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 7:04 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER

Mayor Pat McGrail called the Regular Meeting to order at 7:10 P.M.

B. INVOCATION

Mr. Michael Gerald, The River Church, gave the invocation; and Mr. John Salvesen, Bear Creek Bible Church expressed his thanks to the City Council.

Mayor Pat McGrail observed a moment of silence in memory of Mayor Hector Garcia.

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail led the pledges to the U.S. 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. 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. Marie Howard, 1620 Whitley Road, expressed her concerns with the enforcement of political signage in relation to the upcoming elections.

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 Tuesday, December 19, 2017 Regular City Council Meeting.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve the Minutes of the Tuesday, December 19, 2017 Regular City Council Meeting. The motion carried unanimously.

2. Consider approval of the Minutes of the Tuesday, January 16, 2018 Regular City Council Meeting.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve the Minutes of the Tuesday, January 16, 2018 Regular City Council Meeting. The motion carried unanimously.

3. Consider a resolution approving an Interlocal Agreement to provide Geographic Information System (GIS) mapping services for the City of Roanoke, Texas; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Resolution No. 3972 approving an Interlocal Agreement to provide Geographic Information System (GIS) mapping services for the City of Roanoke, Texas; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas. The motion carried unanimously.

3. Consider a resolution approving the purchase of Dell technology products, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for the Information Technology Department, and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Resolution No. 3973 approving the purchase of Dell technology products, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for the Information Technology Department, and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller. The motion carried unanimously.

5. Consider a resolution approving Amendment #2 of the Chapter 380 Economic Development Program Agreement, approved by the City Council by Resolution No. 3709 on December 29, 2015, with The Taurus Investment Group LLC, establishing new performance dates, and authorizing the City Manager to execute said amendment to said Agreement on behalf of the City of Keller, Texas.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Resolution No. 3974 approving Amendment #2 of the Chapter 380 Economic Development Program Agreement, approved by the City Council by Resolution No. 3709 on December 29, 2015, with The Taurus Investment Group LLC, establishing new performance dates, and authorizing the City Manager to execute said amendment to said Agreement on behalf of the city.

The motion carried unanimously.

6. Consider a resolution approving an Agreement for Professional Services with Dunaway, of Fort Worth, Texas; for the purpose of providing engineering design, relating to the Johnson Road and Keller Smithfield Road Round a bout Project, for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Resolution No. 3975 approving an Agreement for Professional Services with Dunaway, of Fort Worth, Texas; for the purpose of providing engineering design, relating to the Johnson Road and Keller-Smithfield Road Round-a-bout Project, for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously.

7. Consider a resolution approving an Agreement for Professional Services with Atlantis Pool Plastering, Inc., of Austin, Texas; for the purpose of providing re plaster services, and Pebble Tech entry replacement relating to re plastering the outdoor pool at The Keller Pointe, for the Parks and Recreation Department; and further authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Ed Speakmon, to approve Resolution No. 3976 approving an Agreement for Professional Services with Atlantis Pool Plastering, Inc., of Austin, Texas; for the purpose of providing re-plaster services, and Pebble Tech entry replacement relating to re-plastering the outdoor pool at The Keller Pointe, for the Parks and Recreation Department; and further authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. Consider a resolution approving an agreement for professional services with Freese and Nichols, Inc., of Dallas, Texas, for the purpose of providing planning and economic analyses services for the Future Land Use Plan Update Project; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

Mrs. Trina Zais, Director of Economic Development, gave a presentation relating to a request for a resolution approving an agreement for professional services with Freese and Nichols, Inc., of Dallas, Texas, for the purpose of providing planning and economic analyses services for the Future Land Use Plan Update Project.

A motion was made by Council Member Armin Mizani, seconded by Mayor Pat

McGrail, to table the agenda item to the next City Council Meeting on February 20, 2018. The motion failed by the following vote:

AYE: Council Member Armin Mizani.

NAY: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, and Council Member Tag Green.

Discussion was held by the City Council.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Ed Speakmon, to approve Resolution No. 3977 approving an agreement for professional services with Freese and Nichols, Inc., of Dallas, Texas, for the purpose of providing planning and economic analyses services for the Future Land Use Plan Update Project; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas. The motion carried by the following vote:

AYE: Mayor Pat McGrail, Mayor Pro Tem Debbie Bryan, Council Member Ed Speakmon, and Council Member Eric Schmidt.

NAY: Council Member Armin Mizani and Council Member Tag Green.

- 2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow Ying Wang Spa & Body Work, a proposed "Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX", located in the existing Shops at Cindy, a 9,995 square foot multitenant retail building, on a 0.84 acre lot on the southwest corner of the intersection of Keller Parkway (FM 1709) and Cindy Street, at 460 Keller Parkway (FM 1709), being Lot 1R, Block A, The Shops at Cindy Addition, and zoned R (Retail). Ying Shu Yu, applicant. Bass Commercial Investments, LLC, owner. (SUP 17 0026)**

Mrs. Trina Zais, Director of Economic Development, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) to allow Ying Wang Spa & Body Work, a proposed "Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX", located in the existing Shops at Cindy.

Mayor Pat McGrail opened the public hearing. No public comments were received. A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Debbie Bryan, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to table the agenda item to the February 20, 2018 Regular City Council Meeting. The motion carried by the following vote:

AYE: Mayor Pro Tem Debbie Bryan, Council Member Armin Mizani, Council Member Ed Speakmon, Council Member Eric Schmidt, and Council Member Tag Green.

NAY: Mayor Pat McGrail.

3. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six foot (6') wrought iron fence in front yard or in front of the primary structure, located on 0.459 acres, on the north side of Charrington Drive, approximately six hundred feet (600') east of the intersection of Chase Oaks Drive and Charrington Drive, being Lot 9, Block B, Willis Coves Phase I, at 513 Charrington Drive, and zoned PD SF 12 (Planned Development Single Family Residential 12,000 square foot minimum). D & M Welding Fences and Gates, applicant. Angel Morales, owner. (UDC 17 0035)

Mrs. Trina Zais, Director of Economic Development, gave a presentation relating to a request for a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six foot (6') wrought iron fence in front yard or in front of the primary structure, at 513 Charrington Drive.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Tag Green, to approve Resolution No. 3978 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six-foot (6') wrought iron fence in front yard or in front of the primary structure, located on 0.459-acres, on the north side of Charrington Drive, approximately six hundred feet (600') east of the intersection of Chase Oaks Drive and Charrington Drive, being Lot 9, Block B, Willis Coves Phase I, at 513 Charrington Drive, and zoned PD-SF-12 (Planned Development Single Family Residential-12,000 square foot minimum). D & M Welding Fences and Gates, applicant. Angel Morales, owner. (UDC-17-0035) 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. Property located at 712, 720, 800, 818, and 820 North Main Street.
- b. Property located at 2321 Florence Road.
- 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, 1b, 2a, 2b, and 2c if necessary.

K. ADJOURN

The City Council adjourned the meeting and resumed the Work Session at 8:17 P.M. A motion was made by Council Member Tag Green, seconded by Council Member Ed Speakmon, to adjourn the meeting at 9:35 P.M. The motion carried unanimously.

Mayor

City Secretary