



City of Keller

City Council

Meeting Minutes

Tuesday, April 17, 2018

PRE-COUNCIL MEETING 5:00 P.M.

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

A. CALL TO ORDER

Mayor Pat McGrail called the Pre-Council Meeting to order at 5:05 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 (arrived at 7:01 P.M. via Skype)

Council Member Chris Whatley (arrived at 5:13 P.M.)

Council Member Tag Green

Administrative personnel present were City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Community Services Cody Maberry, Director of Public Works Alonzo Liñán, Director of Finance Aaron Rector, Director of Community Development Susan Kenney, 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. Johnson Road Coalition, LLC vs. David Hawkins, Planning Manager and City of Keller.

3. Adjourn into Open Meeting.

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

No action was taken.

D. WORK SESSION

1. Budget Strategic Planning – CAFR Presentation and Fund Types
Director of Finance Aaron Rector introduced Mr. John DeBurro, Weaver, to the City Council as the City's Independent Auditor. Mr. John DeBurro gave a presentation relating to the Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR) Director of Finance Aaron Rector gave a presentation relating to Fund Balance Estimates.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:49 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER

Mayor Pat McGrail called the Regular Meeting to order at 7:01 P.M.

B. INVOCATION

Mr. Trey Grant, The Well Church; and Mr. Keith Sanders, First Baptist Church, gave the invocations.

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. PROCLAMATION

1. Presentation of a proclamation for Motorcycle Safety Awareness Month.
Mayor Pat McGrail presented a proclamation to Mr. John Marshall, recognizing May 2018 as Motorcycle Safety Awareness Month.

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. Zach Butler, 1016 Western Trail; Mr. Phil Salyer; and Ms. Courtney Awaralle, 1017 Western Trail, presented a petition and expressed their thoughts relating traffic on Western Trail.

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, April 3, 2018 Regular City Council Meeting.
A motion was made by Council Member Chris Whatley, seconded by Council Member Ed Speakmon, to approve the Minutes of the Tuesday, April 3, 2018 Regular City Council Meeting. The motion carried unanimously.
2. Consider a resolution approving an agreement for mutual aid in fire protection and emergency medical services with local governments of Tarrant County, Texas and authorizing the City Manager to execute said agreement on behalf of the City of Keller, Texas.
A motion was made by Council Member Chris Whatley, seconded by Council Member Ed Speakmon, to approve Resolution No. 3995 approving an agreement for mutual aid in fire protection and emergency medical services with local governments of Tarrant County, Texas and authorizing the City Manager to execute said agreement on behalf of the City of Keller, Texas. The motion carried unanimously.
3. Consider a resolution approving the purchase of two Nimble Storage Area Network (SAN) data storage arrays, from Cima Solutions Group of Lewisville, Texas, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for the Information Technology Department, and authorizing the City Manager to execute

all purchase documents relating thereto on behalf of the City of Keller, Texas.

A motion was made by Council Member Chris Whatley, seconded by Council Member Ed Speakmon, to approve Resolution No. 3996 approving the purchase of two Nimble Storage Area Network (SAN) data storage arrays, from Cima Solutions Group of Lewisville, Texas, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for the Information Technology Department, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously.

4. Consider a resolution authorizing the City Manager to execute an agreement with Datavox, of Houston, Texas, for the purchase, programming, and installation of building security and access control equipment and software for multiple city buildings, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for the Information Technology Department.

A motion was made by Council Member Chris Whatley, seconded by Council Member Ed Speakmon, to approve Resolution No. 3997 authorizing the City Manager to execute an agreement with Datavox, of Houston, Texas, for the purchase, programming, and installation of building security and access control equipment and software for multiple city buildings, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for the Information Technology Department. The motion carried unanimously.

5. Consider a resolution acknowledging receipt of the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2017.

A motion was made by Council Member Chris Whatley, seconded by Council Member Ed Speakmon, to approve Resolution No. 3998 acknowledging receipt of the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2017. The motion carried unanimously.

G. OLD BUSINESS

1. PUBLIC HEARING: Consider an Ordinance approving amendments to the City of Keller Unified Development Code, adopted by Ordinance No 1746, dated July 7, 2015 to prohibit flag lots and amend the definition for lot width, building setback line, and flag lot and a definition for building line by amending Article 3 Definitions, and Article 5, Subdivision Design and Improvement Requirements, Section 5.13 Lots.

Mayor Pat McGrail announced that at the April 9, 2018 Planning and Zoning Commission Meeting, this item was again tabled. No action will be taken on this item.

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 Chris Whatley, to continue the public hearing and table the agenda item to the May 1, 2018 Regular City Council Meeting.

H. NEW BUSINESS

1. **PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) for an approximately 2,003 square foot detached pool house with a variance to the building height, located on a 0.85-acre lot on the east side of Broadmoor Drive, approximately two hundred feet (200') south of the intersection of Vanderbilt Drive and Broadmoor Drive, at 1717 Broadmoor Drive, being Lot 9, Block B, Asheville Estates, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). Blake and Robin Birkenfeld, owner/applicant. (SUP-18-0005).

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for a Specific Use Permit (SUP) for an approximately 2,003 square foot detached pool house with a variance to the building height, at 1717 Broadmoor Drive.

Mr. Blake Birkenfeld, 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 Mayor Pro Tem Debbie Bryan, to close the public hearing. The motion carried unanimously.

Discussion was held by the City Council.

A motion was made by Council Member Armin Mizani, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1822 approving a Specific Use Permit (SUP) for an approximately 2,003 square foot detached pool house with a variance to the building height, located on a 0.85-acre lot on the east side of Broadmoor Drive, approximately two hundred feet (200') south of the intersection of Vanderbilt Drive and Broadmoor Drive, at 1717 Broadmoor Drive, being Lot 9, Block B, Asheville Estates, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum) with the following conditions:

1. **The Specific Use Permit request for the 2,003 square-foot accessory building exceeding fifty percent (50%) of the main structure shall be allowed.**
2. **The variance request to allow the average building height to exceed fifteen feet (15') shall be allowed.**

The motion carried unanimously.

2. Consider a resolution approving a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 Attached Wall Signs, for Summer Moon Coffee, located on 13.58 acres of land on the east side of Rufe Snow Drive, approximately 530 feet southeast of Keller Parkway and Rufe Snow Drive intersection, being Lot 1R, Block A, Keller Town Center Addition, at 1000 Keller Parkway Suite 104, zoned TC (Town Center). Gregory Richardson, applicant; Regency Centers LP, owner. (UDC 18 0006)

Ms. Susan Kenney, Director of Community Development, gave a presentation relating to a request for a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree

Preservation, Section 8.09 - Attached Wall Signs, for Summer Moon Coffee, at 1000 Keller Parkway Suite 104.

Mr. Gregory Richardson, applicant, addressed the City Council regarding the proposal.

Discussion was held by the City Council.

A motion was made by Council Member Armin Mizani, seconded by Council Member Tag Green, to approve Resolution No. 3999 approving a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 - Attached Wall Signs, for Summer Moon Coffee, located on 13.58-acres of land on the east side of Rufe Snow Drive, approximately 530 feet southeast of Keller Parkway and Rufe Snow Drive intersection, being Lot 1R, Block A, Keller Town Center Addition, at 1000 Keller Parkway Suite 104, zoned TC (Town Center) with the following exception:

- 1. A special exception to the Unified Development Code to allow one (1) additional sign located on the west side elevation, facing Rufe Snow Drive shall be allowed.**

The motion carried with the following vote:

YEA: Mayor Pat McGrail, Council Member Armin Mizani, Council Member Ed Speakmon, Council Member Eric Schmidt, Council Member Chris Whatley, and Council Member Tag Green.

NAY: Mayor Pro Tem Debbie Bryan.

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.**
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 - (2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.**
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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.

3. Adjourn into Open Meeting.

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

K. ADJOURN

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Chris Whatley to adjourn the meeting at 7:56 P.M. The motion carried unanimously.

Mayor

City Secretary