



City of Keller

City Council

Meeting Minutes

Tuesday, May 15, 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 5:00 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 Community Services Cody Maberry, Director of Public Services Trina Zais, 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.

- b. Deborah Thompson vs. City of Keller.

3. Adjourn into Open Meeting.

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

No action was taken.

D. WORK SESSION

1. FY 2017-18 Quarterly Financial Report through December.

This item was discussed during the agenda review.

2. Discuss cancelation of the July 3, 2018 Regular City Council meeting.

This item will be discussed at the Tuesday, June 5, 2018 Regular City Council Meeting.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER

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

B. INVOCATION

Ms. Mitzi Ellington, Chaplain, Texas Health, and Mr. Dennis Serratt, First Baptist Church Watauga gave the invocations.

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail invited Boy Scout Troop 589 to lead 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. PRESENTATION

1. Texas Police Chiefs Association Foundation Texas Best Practices Program Re-recognition Certificate Presentation

Mr. Tom Shehan presented the Texas Police Chiefs Association Foundation Texas Best Practices Program Award to the City of Keller Police 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.

Ms. Joan Boyle, 1262 Oak Hill Road, expressed her thanks to Mayor Pro Tem Debbie Bryan for her years of service on the Keller City Council.

Ms. Marie Howard, 1620 Whitley Road, expressed her concerns with Candidate Mitch Holmes campaign flyer.

F. ELECTIONS

1. Consider a resolution canvassing the General Election duly held in the City of Keller, Texas, on the 5th day of May 2018, for City Council Place 1 and City Council Place 2.
A motion was made by Council Member Tag Green, seconded by Armin Mizani, to approve Resolution No. 4001 canvassing the General Election duly held in the City of Keller, Texas, on the 5th day of May 2018, for City Council Place 1 and City Council Place 2. The motion carried unanimously.
2. Administer the Oath of Office to City Council Place 1.
A Recount Petition was filed by Mayor Pro Tem Debbie Bryan at 6:30 P.M., therefore the Oath of Office will not be administered to City Council Place 1 until the recount has been completed.
3. Consider a resolution calling a Runoff Election for City Council Place 2 for the City of Keller, Texas to be held on the 16th day of June 2018, as set forth by the Charter and the Texas Election Code.
A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Resolution No. 4002 calling a Runoff Election for City Council Place 2 for the City of Keller, Texas to be held on the 16th day of June 2018, as set forth by the Charter and the Texas Election Code. The motion carried unanimously.
4. Consider a resolution canvassing the Special Referendum Election duly held in the City of Keller, Texas, on the 5th day of May 2018, for the approval or disapproval of the passage of Resolution No. 3909 approving a Chapter 380 Economic Development Program Agreement with The Birch Racquet and Lawn Club.
A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 4003 canvassing the Special Referendum Election duly held in the City of Keller, Texas, on the 5th day of May 2018, for the approval or disapproval of the passage of Resolution No. 3909 approving a Chapter 380 Economic Development Program Agreement with The Birch Racquet and Lawn Club. The motion carried unanimously.
5. Consider a resolution repealing Resolution No. 3909 and the vote of the City Council approving a Chapter 380 Economic Development Program Agreement pursuant to Chapter 380 of the Texas Local Government, and pursuant to the City's Economic Development Policy, with The Birch Racquet and Lawn Club and Dent Tennis Academy, planned operator of a proposed tennis country club and academy located at 660 Keller Smithfield Road within the Daniel Bancroft Survey, Abstract No. 141, in 26.99 acres, Keller, Texas.
A motion was made by Council Member Chris Whatley, seconded by Council Member Ed Speakmon, to approve Resolution No. 4004 repealing Resolution No. 3909 and the vote of the City Council approving a Chapter 380 Economic Development Program Agreement pursuant to Chapter 380 of the Texas Local Government, and pursuant to the City's Economic Development Policy, with The Birch Racquet and Lawn Club and Dent Tennis Academy, planned operator of a proposed tennis country club and academy located at 660 Keller Smithfield Road

within the Daniel Bancroft Survey, Abstract No. 141, in 26.99 acres, Keller, Texas. The motion carried unanimously.

G. 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, May 1, 2018 Regular City Council Meeting.
A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to approve the Minutes of the Tuesday, May 1, 2018 Regular City Council Meeting. The motion carried unanimously.
2. Consider a resolution adopting 44,940 as the official population as of January 1, 2018, for the City of Keller, Texas.
A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to approve Resolution No. 4005 adopting 44,940 as the official population as of January 1, 2018, for the City of Keller, Texas. The motion carried unanimously.
3. Consider a resolution approving the Matching Funds Program Application with Mr. Mike Librik, for the installation of an approximately 200 foot Hike and Bike Trail connecting the Keller Place shopping center to the Little Bear Creek Hike and Bike Trail, and authorizing the City Manager to execute all purchase documents thereto on behalf of the City of Keller.
A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to approve Resolution No. 4006 approving the Matching Funds Program Application with Mr. Mike Librik, for the installation of an approximately 200 foot Hike and Bike Trail connecting the Keller Place shopping center to the Little Bear Creek Hike and Bike Trail, and authorizing the City Manager to execute all purchase documents thereto on behalf of the City of Keller. The motion carried unanimously.
4. Consider a resolution receiving the Keller Quarterly Investment Report for period ending March 31, 2018, and providing an effective date.
A motion was made by Council Member Tag Green, seconded by Council Member Eric Schmidt, to approve Resolution No. 4007 receiving the Keller Quarterly Investment Report for period ending March 31, 2018, and providing an effective date. The motion carried unanimously.

H. OLD BUSINESS -None

I. 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, Community Development Director, gave a presentation relating to a request for a Specific Use Permit (SUP) for an accessory building, proposed to be a 1,490 square foot accessory building and workshop, with a variance to the building material, at 1906 Johnson Road.

Mr. Tom Miller, applicant, 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 Ed Speakmon, seconded by Council Member Eric Schmidt, to close the public hearing. The motion carried unanimously.

Discussion was held by the City Council.

A motion was made by Council Member Chris Whatley, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1887 approving a Specific Use Permit (SUP) for an accessory building, proposed to be a 1,490 square foot accessory building and workshop, with a variance to the building material, on an approximately 2.21 acre tract of land, located on the south side of Johnson Road, approximately two hundred thirty one feet (231') south of Johnson Road and approximately eight hundred and eighty seven feet (887') west of Pearson Lane North, being Abstract 1153, Tract 1L02, John Martin Survey, at 1906 Johnson Road, with the following conditions:

- 1. The request for the 1,490 square-foot accessory building exceeding fifty percent (50%) of the main structure shall be allowed.**
- 2. The Specific Use Permit request to allow the average building height to exceed fifteen feet (15') shall be allowed.**
- 3. The variance request to allow the accessory building material to be solid wood, instead of brick and stone shall be allowed.**

The motion carried unanimously.

- 2. Consider a resolution for a variance to the Unified Development Code, Section 8.11 (J), Fencing Requirements in Residential Zoning Districts, to allow a six foot (6') top grade cedar fence with reinforced galvanized metal poles and structural components to face the exterior of the lot; with cedar top trim, six inch (6") wide cedar pickets, cedar rails top boards and pressure treated baseboards, adjacent to a public alley, located on 0.198 acres, on the east side of Lakeview Drive, being Lot 27, Block 2, Lakes of Highland Oaks Addition, at 1511 Lakeview Drive, and zoned SF 8.4 (Single Family Residential 8,400 square foot lot size minimum). Ross and Maryann Adams, owner/applicant. (UDC 18 0007)**

Ms. Susan Kenney, Community Development Director, gave a presentation relating to a request for a variance to the Unified Development Code, Section 8.11 (J), Fencing Requirements in Residential Zoning Districts, to allow a six foot (6') top grade cedar fence with reinforced galvanized metal poles and structural components to face the exterior of the lot, at 1511 Lakeview Drive.

Mr. Ross Adams, owner, addressed the City Council regarding the proposal.

Discussion was held by the City Council.

A motion was made by Armin Mizani, seconded by Council Member Ed Speakmon, to approve Resolution No. 4008 approving a variance to the Unified Development Code, Section 8.11 (J), Fencing Requirements in Residential Zoning Districts, to allow a six foot (6') top grade cedar fence with reinforced galvanized metal poles and structural components to face the exterior of the lot; with cedar top trim, six inch (6") wide cedar pickets, cedar rails top boards and pressure treated baseboards, adjacent to a public alley, located on 0.198 acres, on the east side of Lakeview Drive, being Lot 27, Block 2, Lakes of Highland Oaks Addition, at 1511 Lakeview Drive, and zoned SF 8.4 (Single Family Residential 8,400 square foot lot size minimum) with the following variance:

- 1. A variance is requested to allow a six-foot (6') top grade cedar fence with reinforced galvanized metal poles and structural components to face the exterior of the lot.**

The motion carried unanimously.

- 3. PUBLIC HEARING: Consider an Ordinance approving a Planned Development from R (Retail) to PD SF 8.4 (Planned Development Single Family Residential 8,400 square foot minimum), for Concordia, a planned development consisting of sixty six (66) single family residential lots and six (6) open space lots, on an approximately 23.067 acre property, being a portion of Lot 1, Block 1, A Church for the Communities, located on the north side of North Tarrant Parkway, approximately 1,000 feet from Rufe Snow Drive and North Tarrant Parkway intersection, addressed as 1870 Rufe Snow Drive. Jim Tchoukaleff, Contour Real Estate & Development, applicant/developer. Mark Kimmel, Northwood Baptist Church, owner. Jerry Sylo, JBI Partners, surveyor/engineer. (Z-18-0002).**

Ms. Susan Kenney, Community Development Director, gave a presentation relating to a Planned Development from R (Retail) to PD SF 8.4 (Planned Development Single Family Residential 8,400 square foot minimum), for Concordia, a planned development consisting of sixty six (66) single family residential lots and six (6) open space lots, at 1870 Rufe Snow Drive.

Mr. Jack Murray, Contour Real Estate & Development, announced that the applicant would like to table the agenda item to the June 5, 2018 Regular City Council Meeting.

A motion was made by Council Member Armin Mizani, seconded by Council Member Eric Schmidt, to continue the public hearing and table the agenda item to June 5, 2018. The motion failed (3-4) by the following vote:

YEA: Mayor Pat McGrail, Council Member Armin Mizani, and Council Member Tag Green.

NAY: Mayor Pro Tem Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, and Council Member Chris Whatley.

Mr. Bob Roberts, Northwood Church; Jack Murray, Contour Real Estate & Development; and Jerry Sylo, JBI Partners, addressed the City Council regarding the proposal.

Mayor Pat McGrail opened the public hearing.

The following individuals expressed their support of the proposed Planned Development: Mr. Scott Moore, 2025 Willis Lane; Mr. Jimmy Pittman, 2041 Willis Lane; Mr. Kyle Gabhart, 713 Gentle Wind Drive; Mr. Gregory Roach, 401 Durrand Oak Drive; Mr. Ronnie Morgan, 1516 Whitley Road; Dr. Tannetje Crocker, 316 Pate Orr Road South; Mr. Isai Cazares, 401 Linda Street; Mr. Christopher King, 2105 Legacy Court; Ms. Jane Mayeux, 1416 Jackson Road; and Ms. Candace Frankland, 807 Highland Lakes Court.

Marie Howard, 1620 Whitley Road, expressed her concerns regarding the proposed lot sizes.

Ms. Jackie Black, 925 Glenhurst Road, expressed opposition toward the Planned Development.

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

Discussion was held by the City Council.

A motion was made by Mayor Pro Tem Debbie Bryan, to deny the agenda item. The motion failed due to lack of a second.

A motion was made by Council Member Armin Mizani, seconded by Council Member Chris Whatley, to table the request for an ordinance approving the Planned Development for Concordia to the June 5, 2018 Regular City Council Meeting. The motion carried (6-1) by 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.

J. DISCUSSION – None

K. 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. 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. Deborah Johnson vs. City of Keller.

3. Adjourn into Open Meeting.

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

K. ADJOURN

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Ed Speakmon to adjourn the meeting at 11:44 P.M. The motion carried unanimously.

Mayor

City Secretary