



City of Keller

City Council

Meeting Minutes

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

Tuesday, September 18, 2018

PRE-COUNCIL MEETING 5:00 P.M.

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

The following City Council Members were present:

Mayor Pat McGrail

Mayor Pro Tem Ed Speakmon

Council Member Mitch Holmes

Council Member Sean Hicks

Council Member Eric Schmidt

Council Member Chris Whatley (arrived at 5:08 P.M.)

Council Member Tag Green

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Services and Economic Development Trina Zais, Director of Information Technology Sean Vreeland, Director of Human Resources and Risk Management Kandace Tappen, Police Chief Mike Wilson, and Fire Chief David Jones.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agendas 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.) Tract 9C, Abstract 692, Holland, W J Survey

2. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION

1. [Discussion relating to Section 5307 - Carbon Dioxide \(Co2\) Systems Used In Beverage Dispensing Applications in the Fire Code.](#)

Fire Chief David Jones and Fire Marshal Debra Crafton gave a presentation relating to Carbon Dioxide (Co2) Systems Used In Beverage Dispensing Applications in the Fire Code.

The Keller City Council elected not to enforce compliance of the life safety system requirements identified in Sections 102.1 and 102.2 of the 2015 International Fire Code, as it relates to Chapter 5307, Carbon Dioxide (CO2) Systems Used in Beverage Dispensing Applications for businesses with bulk storage of CO2 Systems in operation prior to the March 15, 2016 adoption of the 2015 International Fire Code by the City of Keller. Should the occupancy change ownership, change business names or perform a remodel, the pre-existing non-conforming status of the occupancy will be voided, and the occupancy shall conform to currently adopted code requirements for new businesses.

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 City Council Meeting to order at 7:10 P.M.

B. INVOCATION

Police Chaplain Brian Hamlin gave the invocation.

C. PLEDGE OF ALLEGIANCE

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

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 - 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.

Mr. San Roskoski, 1411 Diar Lane; Ms. Stephanie Fritz, 227 La Fontaine Lane; Mr. Dave Giordano, 222 La Fontaine Lane; and Mr. Ron Waeckerle, 1412 Diar Lane, addressed the City Council regarding a traffic signal located at Keller Smithfield Road and Bear Creek Parkway.

F. CONSENT

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Ed Speakmon, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, September 4, 2018 Regular City Council Meeting.](#)

Approved

2. [Consider a resolution approving a negotiated settlement between the Atmos Cities Steering Committee \("ACSC"\) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2018 Rate Review Mechanism \(RRM\) filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustment consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustment if federal income tax rates change; terminating the RRM process for 2018 pending renegotiation of RRM terms and conditions; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.](#)

Resolution No. 4033

3. [Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Keller Independent School District, for the funding of two full-time School Resource Officers and one less than full-time School Resource Officer, for the Keller Police Department.](#)

Resolution No. 4034

4. [Consider a resolution amending Resolution No. 3411, dated September 3, 2013; and authorizing the renewal and amendment of the Interlocal Agreement for Police Services with the Town of Westlake, Texas, for a five-year term from October 1, 2018 through September 30, 2023.](#)

Resolution No. 4035

5. [Consider a resolution approving the bid from Earthworks, Inc., of Alvarado, Texas for contractual services relating to Keller Town Center Annual Landscape Maintenance Services, for the Parks and Recreation Department, for a three-year term; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4036

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving of a Specific Use Permit \(SUP\) for MedSmith, a proposed medical office to occupy a 3,278 square-foot lease space within a 38,975 square-foot multi-tenant building, located on a 3.595-acre tract of land, located on the east side of South Main Street \(U.S. HWY 377\), approximately 525 feet north from the intersection of Bear Creek Parkway and South Main Street \(U.S. HWY 377\), being Lot 1, Block A, Baylor Medical Plaza Addition, at 601 South Main Street \(U.S. HWY 377\), suite 110, and zoned OTK \(Old Town Keller\). \(SUP-18-0026\)](#)

Ms. Katasha Smithers, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) for MedSmith, a proposed medical office to occupy a 3,278 square-foot lease space within a 38,975 square-foot multi-tenant building, at 601 South Main Street.

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

A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Ordinance No. 1901 approving a Specific Use Permit (SUP) for MedSmith, a proposed medical office to occupy a 3,278 square-foot lease space within a 38,975 square-foot multi-tenant building, located on a 3.595-acre tract of land, located on the east side of South Main Street (U.S. HWY 377), approximately 525 feet north from the intersection of Bear Creek Parkway and South Main Street (U.S. HWY 377), being Lot 1, Block A, Baylor Medical Plaza Addition, at 601 South Main Street (U.S. HWY 377), suite 110, and zoned OTK (Old

Town Keller) with the following condition:

1. The Specific Use Permit for MedSmith to occupy 3,278 square-foot lease space for the use of a medical office shall be allowed.

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 cosmetologist services such as \(hair, nails and face\), in addition to massage therapists licensed in TX, for Terrace Retreat Spa, located in an approximately 1,250 square foot lease space, contained in the 10,000 square foot multi-tenant building, on an approximately .84-acre property, located on the south side of Keller Parkway, approximately 170 feet south west of the intersection of Keller Parkway and Cindy Street North, being Lot 1R, Block A, The Shops at Cindy Addition, zoned R \(Retail\), located at 460 Keller Parkway, Suite B. Bass Commercial Investments, LLC, owner. Anne Adams, applicant. \(SUP-18-0020\)](#)

Mr. JP Ducay, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) to allow the use of a spa to include cosmetologist services such as (hair, nails and face), in addition to massage therapists licensed in TX, for Terrace Retreat Spa, located at 460 Keller Parkway.

A motion was made by Council Member Sean Hicks, seconded by Council Member Chris Whatley, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1902 approving a Specific Use Permit (SUP) to allow the use of a spa to include cosmetologist services such as (hair, nails and face), in addition to massage therapists licensed in TX, for Terrace Retreat Spa, located in an approximately 1,250 square foot lease space, contained in the 10,000 square foot multi-tenant building, on an approximately .84-acre property, located on the south side of Keller Parkway, approximately 170 feet south west of the intersection of Keller Parkway and Cindy Street North, being Lot 1R, Block A, The Shops at Cindy Addition, zoned R (Retail), located at 460 Keller Parkway, Suite B; with the following condition:

1. The Specific Use Permit for Terrace Retreat Spa to operate a Spa to include Cosmetologist services such as (Hair, Nails and Face), and Massage Therapists Licensed in TX, shall be allowed.

The motion carried by the following vote:

AYE: Mayor Pat McGrail, Council Member Mitch Holmes, Council Member Sean Hicks, Mayor Pro Tem Ed Speakmon, and Council Member Chris Whatley.

NAY: Council Member Eric Schmidt and Council Member Tag Green.

3. [PUBLIC HEARING: Consider an ordinance to approve a Specific Use Permit \(SUP\) to allow Alexa Pharmacy DBA SV LLC, to operate a 1,700 square foot "Pharmacy or Drug Store" in a vacant suite, existing within a 9,870 square-foot retail building, located on a 1.47-acre lot on the north side of Keller Parkway \(FM1709\), approximately 380 feet west of the Rufe Snow Drive and Keller Parkway \(FM1709\) intersection, being Lot 3R-1R6, Block 8, Bluebonnet Trails Addition, at 967 Keller Parkway \(FM1709\), and zoned TC \(Town Center\). KWLee Properties, LP, owner; Sarithakumari Keesari, applicant; Terry Frey, NuVision Designs, designer. \(SUP-18-0021\).](#)

Mr. Scott Bradburn, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) to allow Alexa Pharmacy to operate a 1,700 square foot "Pharmacy or Drug Store" in a vacant suite, at 967 Keller Parkway.

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

A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Ordinance No. 1903 to approve a Specific Use Permit (SUP) to allow Alexa Pharmacy DBA SV LLC, to operate a 1,700 square foot "Pharmacy or Drug Store" in a vacant suite, existing within a 9,870 square-foot retail building, located on a 1.47-acre lot on the north side of Keller Parkway (FM1709), approximately 380 feet west of the Rufe Snow Drive and Keller Parkway (FM1709) intersection, being Lot 3R-1R6, Block 8, Bluebonnet Trails Addition, at 967 Keller Parkway (FM1709), and zoned TC (Town Center), with the following condition:

- 1. The Specific Use Permit request to allow Alexa Pharmacy to operate a 1,700 square-foot "Pharmacy or Drug Store" in a vacant suite within a 9,870 square-foot retail building located at 967 Keller Parkway shall be allowed.**

The motion carried unanimously.

4. [Consider a resolution of the City Council of the City of Keller, Texas amending Resolution No. 3440, dated November 5, 2013, by amending the guidelines and criteria for Facade Improvement Grant program.](#)

Ms. Trina Zais, Director of Public Services and Economic Development, gave a presentation relating to amending the guidelines and criteria for Facade Improvement Grant program.

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Ed Speakmon, to approve Resolution No. 4037 of the City Council of the City of Keller, Texas amending Resolution No. 3440, dated November 5, 2013, by amending the guidelines and criteria for Facade Improvement Grant program. The motion carried unanimously.

5. [PUBLIC HEARING: Consider an ordinance approving certain amendments to the Fiscal Year 2017-18 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter.](#)

Mr. Aaron Rector, Director of Administrative Services, gave a presentation relating to amendments to the Fiscal Year 2017-18 Annual Operating Budget.

A motion was made by Council Member Sean Hicks, seconded by Council Member Mitch Holmes, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1904 approving certain amendments to the Fiscal Year 2017-18 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter. The motion carried unanimously.

6. [PUBLIC HEARING: Consider an ordinance adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019, including the 2018-19 Capital Improvements Program, and adopting the Fiscal Year 2018-19 Fee Schedule for the City of Keller, Texas.](#)

Mr. Aaron Rector, Director of Administrative Services, gave a presentation relating to adopting the annual budget, ratifying the tax revenue, and levying taxes to be assessed on all taxable properties.

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

A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Ed Speakmon, to approve Ordinance No. 1905 adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019, including the 2018-19 Capital Improvements Program, and adopting the Fiscal Year 2018-19 Fee Schedule for the City of Keller, Texas. The motion carried unanimously.

7. [Consider a resolution ratifying the tax revenue for the Tax Year 2018 \(Fiscal Year 2018-19\) for the City of Keller, Texas.](#)

A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to approve Resolution No. 4038 ratifying the tax revenue for the Tax Year 2018 (Fiscal Year 2018-19) for the City of Keller, Texas. The motion carried unanimously.

8. [Consider an ordinance levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2018 \(Fiscal Year 2018-19\).](#)

A motion was made by Council Member Chris Whatley, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1906 levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2018 (Fiscal Year 2018-19). 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.) Tract 9C, Abstract 692, Holland, W J Survey

2. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

K. ADJOURN

Mayor Pat McGrail adjourned the Council Meeting at 9:34 P.M.

Mayor

City Secretary