



# City of Keller

## City Council

### Meeting Minutes

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
[www.cityofkeller.com](http://www.cityofkeller.com)

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**Tuesday, November 6, 2018**

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#### **PRE-COUNCIL MEETING 5:00 P.M.**

##### **A. CALL TO ORDER**

Mayor Pat McGrail called the Pre-Council Meeting to order at 5:07 P.M.

The following City Council Members were present:

Mayor Pat McGrail

Council Member Mitch Holmes

Council Member Sean Hicks

Mayor Pro Tem Ed Speakmon

Council Member Eric Schmidt

Council Member Chris Whatley (arrived at 7:00 P.M. via Skype)

Council Member Tag Green

Administrative personnel present were City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Matt Butler, Director of Community Services Cody Maberry, Director of Economic Development/Public Services Trina Zais, Director of Public Works Alonzo Liñán, Director of Administrative Services 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:

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**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. Adjourn into Open Meeting.**

**3. Action on Executive Session Item 1 if necessary.**

No action was taken.

**D. WORK SESSION**

Work Session was not held by the City Council.

**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 7:09 P.M.

**B. INVOCATION**

Mr. Cory Collins (Keller Church of Christ) and Mr. Travis Ham (Bear Creek Bible Church) gave the invocations.

**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**

1. [CALEA Award Presentation](#)

Mr. Randy Scott, Regional Program Manager, CALEA, presented the Keller Police Department with CALEA awards for Communications and Law Enforcement.

2. [Proclamation - Texas Arbor Day, Tree City USA](#)

Mayor Pat McGrail presented a proclamation for Arbor Day to Mr. Cody Maberry, Director of Community Services.

3. [Presentation - Keller FFA Student Presentation.](#)

Keller FFA students gave a presentation relating to Urbanization.

## 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.

No public comments were received.

## 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.

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

1. [Consider approval of the Minutes of the Tuesday, October 16, 2018 Regular City Council Meeting.](#)

Approved

2. [Consider a resolution rejecting the bid for Water/Sewer Line Parts and authorizing the City Manager to re-advertise the project on behalf of the City of Keller, Texas.](#)

Resolution No. 4050

3. [Consider a resolution approving the purchase of concrete lifting and stabilization services from Nortex Concrete Lift and Stabilization Inc. of Fort Worth, Texas, and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4051

4. [Consider a resolution approving the purchase of Miscellaneous Concrete Improvement services from Apex Concrete Construction of Keller, Texas, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4052

5. [Consider a resolution approving the bid from Bernal Commercial Construction, of Grand Prairie, Texas, for the Gabion Wall System Repair - Highland Oaks Crossing Project, for](#)

the Public Works Department; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.

Resolution No. 4053

6. Consider a resolution approving Amendment No. 6 to the Construction Management At Risk Services Agreement with Felix Construction Company, of Carrollton, Texas, for the Alta Vista Pump Station Project to set the Guaranteed Maximum Price for construction; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.

Resolution No. 4054

7. Consider a resolution authorizing the City Manager to execute a sixty (60) month rental agreement addendum with UBEQ of North Texas, Inc., of Fort Worth, Texas, through the U.S. Communities Public Services Alliance Interlocal Agreement, relating to the replacement, rental, and maintenance of five (5) Ricoh copier/multi-function devices located throughout city facilities, for the Information Technology Department.

Resolution No. 4055

8. Consider a resolution approving a three-year extension of the City's current Enterprise License Agreement with Environmental Systems Research Institute, Inc. (ESRI), for software licenses, maintenance, and associated upgrades, for the Information Technology Department.

Resolution No. 4056

9. Consider a resolution approving a three-year extension of the City's current Laserfiche priority support services agreement with DocuNav Solutions of Frisco, TX, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for software licenses, maintenance, and associated upgrades, for the Information Technology Department.

Resolution No. 4057

## **G. OLD BUSINESS**

1. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, to allow a fifty foot (50') street width frontage to be tapered and reduced to a twenty-four feet and six inches (24'6") width into the lot for approximately 213 feet, located on a 7.158-acre tract of land, being Abstract 141, Tract 2 of the Daniel Bancroft Survey, located on the east side of Mount Gilead Road, approximately 250 feet north of the intersection of Bancroft Road and Mount Gilead Road, at 1515 Mount Gilead Road, and zoned SF-36 (Single Family Residential - 36,000 square-foot lot size minimum). Jilray Launay, owner/applicant. (UDC-18-0015)

Ms. Katasha Smithers, Planner I, gave a presentation relating to the request for approving a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, at 1515 Mount Gilead Road.

Ms. Jilray Launay, Property Owner, addressed the City Council regarding the proposal.

Discussion was held by the City Council.

A motion was made by Council Member Sean Hicks, seconded by Council Member Eric Schmidt, to approve Resolution No. 4058 approving a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, to allow a fifty foot (50') street width frontage to be tapered and reduced to a twenty-four feet and six inches (24'6") width into the lot for approximately 213 feet, located on a 7.158-acre tract of land, being Abstract 141, Tract 2 of the Daniel Bancroft Survey, located on the east side of Mount Gilead Road, approximately 250 feet north of the intersection of Bancroft Road and Mount Gilead Road, at 1515 Mount Gilead Road, and zoned SF-36 (Single Family Residential - 36,000 square-foot lot size minimum) with the following variances and condition:

1. To allow a fifty foot (50') access easement in lieu of the required sixty foot (60') access easement.
2. To allow a fifty foot (50') street width frontage to be tapered and reduced to a twenty-four feet and six inches (24'6") width into the lot for approximately 213 feet.
3. The condition to have the encroachment agreement executed before a final plat is recorded.

The motion carried unanimously.

## H. NEW BUSINESS

1. [Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.10, Accessory Building and Use Regulations, to allow an R panel galvanized roof on the proposed detached accessory structure, located on a 0.186-acre tract of land, being Lot 28, Block 7, Park Addition Phase II, located on the north side of Cindy Court, approximately 200 feet northwest of the intersection of Cindy Street South and Cindy Court, at 309 Cindy Court, and zoned SF-8.4 \(Single Family Residential - 8,400 square-foot lot size minimum\). Amy McElroy, owner/applicant. \(UDC-18-0018\).](#)

Ms. Katasha Smithers, Planner I, gave a presentation relating to a request for a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.10, Accessory Building and Use Regulations, to allow an R panel galvanized roof on the proposed detached accessory structure, at 309 Cindy Court.

Ms. Amy McElroy, property owner, addressed the City Council regarding the proposal.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Resolution No. 4059 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.10, Accessory Building and Use

Regulations, to allow an R panel galvanized roof on the proposed detached accessory structure, located on a 0.186-acre tract of land, being Lot 28, Block 7, Park Addition Phase II, located on the north side of Cindy Court, approximately 200 feet northwest of the intersection of Cindy Street South and Cindy Court, at 309 Cindy Court, and zoned SF-8.4 (Single Family Residential - 8,400 square-foot lot size minimum) with the following variance:

1. To allow an R panel galvanized roof in lieu of the composition shingle roof shall be allowed.

**The motion carried unanimously.**

2. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for The Lash Lounge, a proposed 'spa' use to include facial services to occupy a 1,165 square-foot lease space within a 12,432 square-foot multi-tenant building, located on a 1.698-acre tract of land, located on the north side of Keller Parkway \(FM1709\), approximately 835 feet west from the intersection of Keller-Smithfield Road and Keller Parkway \(FM1709\), being Lot 5, Block G, Keller Town Center Addition, at 1411 Keller Parkway \(FM1709\), suite 500, and zoned Town Center \(TC\). Avery Cowan, The Lash Lounge, applicant/developer. Greenway-Keller L.P., owner. \(SUP-18-0034\)](#)

Ms. Katasha Smithers, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) for The Lash Lounge, at 1411 Keller Parkway.

Ms. Avery Cowan, applicant, gave a presentation relating to the proposal. Ms. Meg Roberts, President, The Lash Lounge, addressed the City Council regarding the proposal.

Mayor Pat McGrail opened the public hearing.

Ms. Suzette Kelly, 705 Elaine Street, expressed her support of proposal.

**A motion was made by Council Member Eric Schmidt, seconded by Council Member Sean Hicks, 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 approve Ordinance No. 1910 approving a Specific Use Permit (SUP) for The Lash Lounge, a proposed 'spa' use to include facial services to occupy a 1,165 square-foot lease space within a 12,432 square-foot multi-tenant building, located on a 1.698-acre tract of land, located on the north side of Keller Parkway (FM1709), approximately 835 feet west from the intersection of Keller-Smithfield Road and Keller Parkway (FM1709), being Lot 5, Block G, Keller Town Center Addition, at 1411 Keller Parkway (FM1709), suite 500, and zoned Town Center (TC) with the following condition:**

1. The Specific Use Permit for The Lash Lounge to operate a Spa to include eyebrow/eyelash tinting, eyelash extensions, eyelash perms, micro blading, and threading, shall be allowed.

**The motion carried unanimously.**

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for an accessory building, proposed to be a 5,250 square-foot accessory garage, workshop, and storage building on an approximately 6.28-acre tract of land, located on the south side of Shady Grove Road, and approximately 1,270 feet west of the intersection of Keller Smithfield Road South and Shady Grove Road, being Lot 4, Estes Farm Tracts Addition, at 7140 Shady Grove Road, and zoned Single-Family Residential-36,000 square-foot lot minimum \(SF-36\). Ed Newsom, owner/applicant. \(SUP-18-0030\)](#)

Mr. JP Ducay, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) for an accessory building, proposed to be a 5,250 square-foot accessory garage, workshop, and storage building on an approximately 6.28-acre tract of land, at 7140 Shady Grove Road.

Mr. Ed Newsom, 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 Mayor Pro Tem Ed Speakmon, seconded by Council Member Sean Hicks, to close the public hearing. The motion carried unanimously.**

**A motion was made by Mayor Pro Tem Ed Speakmon, seconded by Council Member Sean Hicks, to approve Ordinance No. 1911 approving a Specific Use Permit (SUP) for an accessory building, proposed to be a 5,250 square-foot accessory garage, workshop, and storage building on an approximately 6.28-acre tract of land, located on the south side of Shady Grove Road, and approximately 1,270 feet west of the intersection of Keller Smithfield Road South and Shady Grove Road, being Lot 4, Estes Farm Tracts Addition, at 7140 Shady Grove Road, and zoned Single-Family Residential-36,000 square-foot lot minimum (SF-36) with the following conditions:**

- 1) The Specific Use Permit request for the accessory structure to exceed the maximum twelve hundred (1,200) square-foot floor size and allow five thousand two hundred fifty (5,250) square foot floor size shall be allowed.**
- 2) The Specific Use Permit request for the accessory structure to exceed the maximum size ratio of fifty percent (50%) of the main structure and allow a maximum seventy four percent (74%) square foot floor size shall be allowed.**
- 3) A Specific Use Permit request for the accessory structure to exceed the fifteen feet (15') requirement and allow an averaged eighteen feet (18') height shall be allowed**
- 4) A variance to for the exterior material of the accessory building to be made of metal shall be allowed.**

5) A variance for the garage door to be one hundred and sixty eight (168) square feet in lieu of the allowed one hundred and forty four (144) square feet of exposure to the street shall be allowed.

**The motion carried unanimously.**

4. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to allow the use of an existing 2,781 square-foot main building as a temporary accessory dwelling unit while constructing a new home on a 2.21-acre lot 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. Tom and Kelly Miller, owner/applicant. \(SUP-18-0036\).](#)

Mr. Scott Bradburn, Planner I, gave a presentation relating to a request for a Specific Use Permit (SUP) to allow the use of an existing 2,781 square-foot main building as a temporary accessory dwelling unit while constructing a new home, at 1906 Johnson Road.

Mr. Tom Miller and Mrs. Kelly Miller, property owners, 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 Sean Hicks, seconded by Council Member Eric Schmidt, to close the public hearing. The motion carried unanimously.**

**A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Ordinance No. 1912 approving a Specific Use Permit (SUP) to allow the use of an existing 2,781 square-foot main building as a temporary accessory dwelling unit while constructing a new home on a 2.21-acre lot 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 Specific Use Permit request for the existing main structure to be used as a temporary dwelling structure while a proposed new main structure is being built shall be allowed.**
- 2. The SUP shall expire one year from the date the building permit is submitted shall be allowed.**
- 3. With the condition that the existing structure is demolished within (6) months of the new home completion shall be allowed.**



**The motion carried unanimously.**

5. [PUBLIC HEARING: Consider an ordinance amending the City of Keller's Unified Development Code \(UDC\), by providing provisions for a winery land use and modifying Article Three - Definitions, and Article Eight - Zoning/Districts; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. City of Keller, applicant. \(UDC-18-0020\)](#)

Ms. Trina Zais, Director of Economic Development/Public Services, gave a presentation relating to an amendment to the City of Keller's Unified Development Code (UDC), by providing provisions for a winery land use.

Mayor Pat McGrail opened the public hearing. No public comments were received.

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

**A motion was made by Council Member Sean Hicks, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1913 amending the City of Keller's Unified Development Code (UDC), by providing provisions for a winery land use and modifying Article Three - Definitions, and Article Eight - Zoning/Districts; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. City of Keller, applicant. (UDC-18-0020) 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.

2. **Adjourn into Open Meeting.**
3. **Action on Executive Session Item 1 if necessary.**

## **K. ADJOURN**

A motion was made by Mayor Pro Tem Ed Speakmon, seconded by Council Member Eric Schmidt, to adjourn the meeting at 8:52 P.M. The motion carried unanimously.

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Mayor

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City Secretary