



City of Keller

City Council

Meeting Minutes

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

Tuesday, May 7, 2019

COUNCIL MEMBER DINNER 5:00 P.M.

PRE-COUNCIL MEETING 5:30 P.M.

A. CALL TO ORDER - Mayor Pat McGrail

Mayor Pat McGrail called the meeting to order at 5:30 P.M.

The following City Council Members were present:

Mayor Pat McGrail
Council Member Mitch Holmes
Council Member Sean Hicks
Council Member Eric Schmidt
Council Member Tag Green
Council Member Chris Whatley

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, Assistant City Secretary Andrea McDonald, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Services/Economic Development Trina Zais, Director of Community Development Julie Smith, Director of Public Works Alonzo Linan, 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

No Executive Session was held during the Pre-Council 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. Davis Tyson vs. The City of Keller Zoning Board of Adjustment.

3. Adjourn into Open Meeting.

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

D. WORK SESSION

1. [Discuss the Future Land Use Plan update](#)

Council Member Tag Green gave an update regarding the Future Land Use Plan.

Director of Community Development Julie Smith addressed concerns regarding power lines as mentioned by other members of the FLUP Task Force.

Council Member Eric Schmidt expressed his concerns with the Future Land Use Plan document in its current form.

2. [Budget Strategic Planning - Economic Development Update](#)

Attachments: [D-2 Strategic Budget - Econ Devel PRESENTATION](#)

City Manager Mark Hafner briefed attendees with background information regarding this item.

Director of Administrative Services Aaron Rector introduced Nick Bulaich with Hilltop Securities and gave a presentation regarding Budget Strategic Planning - Economic Development Update.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:52 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail

Mayor Pat McGrail called the Regular Meeting to order at 7:03 P.M.

B. INVOCATION

Mr. Rustin Floyd, The Church of Jesus Christ of Latter-Day Saints, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail asked the Boy Scouts in the audience to lead the pledges to the United States Flag and to 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

Mr. Michael Buckley, 409 Brian Drive, spoke regarding his concerns with backflow prevention letters he had received from the Public Works Department. Mr. Chris Levonius, 1003 Mesquite Drive, spoke regarding his concerns with paving and alleyway issues in his neighborhood.

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.

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 Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, April 16, 2019 Regular City Council Meeting.](#)

Attachments: [041619 Minutes.pdf](#)

Approve

2. [Consider a resolution approving an Agreement for Professional Services with Peloton Land Solutions of Fort Worth, Texas, for the purpose of providing engineering design, relating to the US 377 Sanitary Sewer Extension Phase II for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [050719 US 377 Sanitary Sewer Extension Resolution](#)
[050719 Sanitary Sewer Extension Peloton Land Solutions](#)
[Amendment #1](#)
[US377 Sewer Extension Update to CC 5.07.2019](#)

Resolution No. 4115

3. [Consider a resolution approving an Agreement for Professional Services with Kleinfelder of Irving, Texas, for the purpose of providing engineering design, relating to the maintenance and rehabilitation of the Pearson Ground Storage Tank #1 for the Public Works Department; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [050719 Pearson Ground Storage Resolution](#)
[050719 Pearson Ground Storage Exhibit A](#)

Resolution No. 4116

4. [Consider a resolution of the City of Keller, Texas finding that Oncor Electric Delivery Company LLC's \("Oncor" or "Company"\) application for approval to amend its Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the City of Keller should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel.](#)

Attachments: [050219 Oncor Resolution](#)

Resolution No. 4117

5. [Consideration and action regarding a resolution directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for water and sewer system improvements and related issuance costs.](#)

Attachments: [050719 COs NOI Resolution](#)

Resolution No. 4118

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for K and L Arms, for 'sales of used goods and merchandise' occupying a 384 square-foot lease space within a 2,004 square-foot multi-tenant building, located on a 0.4855-acre tract of land, located on the east side of North Main Street \(U.S. HWY 377\), at the](#)

intersection of Pearl Street and North Main Street (US HWY 377), being Lot 1, 2 & 3, Block 1, Johnson Addition - Keller, at 120 North Main Street (US HWY 377), Suite 206 (Account #: 01464973), and zoned OTK (Old Town Keller). Ken Pender, applicant. Betty Williamson estate care of Zachary Williamson. (SUP-19-0002)

Attachments: [050719_KandLArms_Ord 1929](#)
[050719_KandLArms_Maps](#)
[050719_KandLArms_ExhibitA_SupportPetition](#)
[050719_KandLArms_StaffAttachment_Plat](#)
[H-1 Presentation](#)

Planner I Katasha Smithers gave a presentation related to a request for a Specific Use Permit for K and L Arms at 120 North Main Street.

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 Mitch Holmes, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Mitch Holmes, seconded by Council Member Sean Hicks, to approve Ordinance No. 1929 approving a Specific Use Permit (SUP) for K and L Arms, for 'sales of used goods and merchandise' occupying a 384 square-foot lease space within a 2,004 square-foot multi-tenant building, located on a 0.4855-acre tract of land, located on the east side of North Main Street (U.S. HWY 377), at the intersection of Pearl Street and North Main Street (US HWY 377), being Lot 1, 2 & 3, Block 1, Johnson Addition - Keller, at 120 North Main Street (US HWY 377), Suite 206 (Account #: 01464973), and zoned OTK (Old Town Keller). The motion carried unanimously.

2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for an Accessory Dwelling Unit, proposed to be a 1,886 square-foot guest house, with variances for size and location on an approximately 2.2-acre tract of land located on the west side of Willis Lane and approximately 2,800 feet northwest of the intersection of North Tarrant Parkway and Willis Lane, being Lot 1, Block A, Sandra Smith Addition, at 1660 Willis Lane (Account# 41563832), and zoned Single-Family Residential-36,000 square-foot lot minimum (SF-36). Janine and Nicholas Stevens, Owner/Applicant. (SUP-19-0005)

Attachments: [050719_WillisDwellingUnitSUP-19-0005ProposedOrdinance](#)
[050719_WillisDwellingUnitSUP-19-0005_ExhibitA-App and Narrative](#)
[050719_WillisDwellingUnitSUP-19-0005_ExhibitA-Proposed Plans](#)
[050719_WillisDwellingUnitSUP-19-0005_StaffAttachment-Final Plat](#)
[050719_WillisDwellingUnitSUP-19-0005_Maps](#)
[050719_WillisDwellingUnitSUP-19-0005_Support](#)
[050719_WillisDwellingUnitSUP-19-0005_Opposition](#)
[H-2 Presentation](#)

Planner I JP Ducay gave a presentation relating to a request for a Specific Use Permit for an accessory dwelling unit at 1660 Willis Lane.

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

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

A motion was made by Council Member Mitch Holmes, seconded by Council Member Chris Whatley, to approve Ordinance No. 1930 approving a Specific Use Permit (SUP) for an Accessory Dwelling Unit, proposed to be a 1,886 square-foot guest house, with variances for size and location on an approximately 2.2-acre tract of land located on the west side of Willis Lane and approximately 2,800 feet northwest of the intersection of North Tarrant Parkway and Willis Lane, being Lot 1, Block A, Sandra Smith Addition, at 1660 Willis Lane (Account# 41563832), and zoned Single-Family Residential-36,000 square-foot lot minimum (SF-36). The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) of a proposed 1,872 square-foot accessory structure on a 1.94-acre-lot on the east side of Castleman Court, approximately 466 feet northeast from the intersection of Johnson Road and Castleman Court, being Moreland Manor Addition, Block 1, Tract 3, Volume 371-388, Pages 679-680, at 608 Castleman Court \(Account # 01812688\) zoned \(SF-36\) Single-Family Residential - 36,000 square-foot lot minimum, Peter and Jennifer Phoenix, owner/applicant. \(SUP-19-0006\)](#)

Attachments: [04082019 608CastlemanCtSUP Ordinance](#)
[04082019 608CastlemanCtSUP AttachmentA Elevations](#)
[04082019 608CastlemanCtSUP AttachmentB AerialView](#)
[04082019 608CastlemanCtSUP AttachmentC PetitionofSupport](#)
[04082019 608CastlemanCtSUP Maps](#)
[04082019 608CastlemanCtSUP Survey](#)
[H-3 Presentation](#)

Planner I Scott Bradburn gave a presentation related to a request for a Specific Use Permit for an accessory structure at 608 Castleman Court.

Mayor Pat McGrail opened the Public Hearing. No public comments were received.

The applicant, Mr. Peter Phoenix, addressed Council Member Tag Green's questions related to the request.

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 Sean Hicks, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1931 approving a Specific Use

Permit (SUP) of a proposed 1,872 square-foot accessory structure on a 1.94-acre-lot on the east side of Castleman Court, approximately 466 feet northeast from the intersection of Johnson Road and Castleman Court, being Moreland Manor Addition, Block 1, Tract 3, Volume 371-388, Pages 679-680, at 608 Castleman Court (Account # 01812688) zoned (SF-36) Single-Family Residential - 36,000 square-foot lot minimum. The motion carried by the following vote:

YEA: Mayor Pat McGrail, Council Member Mitch Holmes, Council Member Sean Hicks, Council Member Eric Schmidt, and Council Member Chris Whatley.

NAY: Council Member Tag Green.

4. [Consider a resolution for a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts, to allow a six-foot \(6'\) privacy fence to reduce the build line on the side of the property from 50 feet to 34 feet located on 0.99-acres, on the east side of Roanoke Road, approximately 51 feet from the intersection of Roanoke Road and Melissa Drive, being Lot 1, Block 3, Melody Hills Estates, at 1104 Melissa Drive and zoned \(SF-36\) Single-Family Residential - 36,000 square-foot lot size minimum. Wesley Dede, Owner. \(UDC-19-00006\)](#)

Attachments: [05072019 1104MelissaFenceVariance Resolution](#)
[05072019 1104MelissaFenceVariance AttachmentA](#)
[05072019 1104MelissaFenceVariance AttachmentB](#)
[05072019 1104MelissaFenceVariance AttachmentC](#)
[05072019 1104MelissaFenceVariance AttachmentC1](#)
[05072019 1104MelissaFenceVariance ApplicantLetter](#)
[05072019 1104MelissaFenceVariance Locationoffence](#)
[05072019 1104MelissaFenceVariance Survey](#)
[05072019 1104MelissaFenceVariance ThoroughfareFencing](#)
[H-4 Presentation](#)

Planner I Scott Bradburn gave a presentation related to a variance to the Unified Development Code request at 1104 Melissa Drive.

The applicant, Mr. Wesley Dede, addressed Council Member Tag Green's questions related to the variance request.

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Resolution No. 4119 for a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts, to allow a six-foot (6') privacy fence to reduce the build line on the side of the property from 50 feet to 34 feet located on 0.99-acres, on the east side of Roanoke Road, approximately 51 feet from the intersection of Roanoke Road and Melissa Drive, being Lot 1, Block 3, Melody Hills Estates, at 1104 Melissa Drive and zoned (SF-36) Single-Family Residential - 36,000 square-foot lot size minimum. The motion carried unanimously.

I. DISCUSSION – None**J. EXECUTIVE SESSION**

Mayor Pat McGrail recessed the Regular Meeting at 7:35 P.M. to allow the City Council to meet in Executive Session, in accordance with State Law.

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.

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. Davis Tyson vs. The City of Keller Zoning Board of Adjustment.

3. Adjourn into Open Meeting.

Mayor Pat McGrail called the Regular Meeting back to order at 7:57 P.M.

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

No action was taken.

K. ADJOURN

A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to adjourn the meeting at 7:58 P.M. The motion carried unanimously.

Mayor

City Secretary