



# 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, September 3, 2019**

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#### **COUNCIL MEMBER DINNER 4:30 P.M.**

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

#### **A. CALL TO ORDER - Mayor Pat McGrail**

Mayor Pat McGrail called the Pre-Council Meeting to order at 5:04 P.M.

The following City Council Members were present:

Mayor Pat McGrail  
Council Member Mitch Holmes  
Mayor Pro Tem Sean Hicks  
Council Member Beckie Paquin  
Council Member Sheri Almond  
Council Member Chris Whatley  
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 Administrative Services Aaron Rector, Director of Public Services/Economic Development Trina Zais, Director of Community Services Cody Maberry, 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**

Mayor Pat McGrail recessed the Pre-Council Meeting at 5:31 P.M. to allow the City Council to meet in Executive Session in accordance with State Law.

1. **Section 551.072, Texas Government Code - Deliberation Regarding Real Property.** A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- a. **Discuss Permanent Access Easement at Keller Sports Park.**

2. **Section 551.074, Texas Government Code - Personnel Matters.**

- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;.

- a. **City Secretary**

- b. **City Manager**

3. **Adjourn into Open Meeting.**

Mayor Pat McGrail reconvened the Pre-Council Meeting at 6:22 P.M.

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

No action was taken.

#### **D. WORK SESSION - None**

#### **E. ADJOURN**

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:22 P.M.

### **REGULAR MEETING 7:00 P.M.**

#### **A. CALL TO ORDER – Mayor Pat McGrail**

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

#### **B. INVOCATION**

Pastor Dusty Gallup, Fellowship of the Parks (NFW/Keller Campus), gave the invocation.

#### **C. PLEDGE OF ALLEGIANCE**

Mayor for the Day, Kendyl DeGraauw, led the pledge to the United States Flag and to the Texas Flag.

Mayor Pat McGrail presented Ms. DeGraauw with a "Mayor for the Day" certificate.

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. [Presentation of Life Saving Awards](#)

Fire Chief David Jones addressed the City Council regarding a medical emergency that took place on May 18, 2019. Police Chief Michael Wilson presented the Keller Police Department's Life Saving Award to Corporal Matt Moore and Officer Jake Montgomery. Deputy Fire Chief Shane Gainer presented Civilian Life Saving Awards to Mr. John Earle and Ms. Heena Bhavsar.

#### **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.

#### **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 by the following vote:**

**YEA: Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Beckie Paquin, Council Member Sheri Almond, and Council Member Chris Whatley.**

**NAY: Council Member Tag Green.**

1. [Consider approval of the Minutes of the Tuesday, August 20, 2019 Regular City Council Meeting.](#)

**Attachments:** [082019 Minutes.pdf](#)

Approved

2. [Consider approval of the Minutes of the Thursday, August 22, 2019 City Council Work Session.](#)

**Attachments:** [082219 Minutes.pdf](#)

Approved

3. [Consider approval of the Minutes of the Tuesday, August 27, 2019 City Council Budget](#)

Work Session.

**Attachments:** [082719 Minutes](#)

Approved

4. [Consider a resolution approving Sciens Consulting to provide consulting services for the CAD, RMS, JMS, and Mobile Software Replacement Project for the Regional Partnership consisting of Keller, Southlake, Colleyville, Westlake, and Grapevine; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [090319 Sciens Consulting Resolution](#)  
[090319 Sciens Consulting Services Contract](#)

Resolution No. 4151

5. [Consider a resolution approving an Interlocal Agreement to provide Geographic Information System \(GIS\) mapping services for the City of Roanoke, Texas; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [090319 RoanokeGIS Resolution](#)  
[090319 GIS Mapping Agreement](#)

Resolution No. 4152

6. [Consider a resolution approving an Agreement for Engineering Services with Wade Trim, Inc. of Fort Worth, Texas; for design of the 2020 Annual Street Maintenance Project 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:** [090319 Wade Trim Location map](#)  
[090319 Wade Trim Agreement](#)  
[090319 Wade Trim Resolution 4153](#)

Resolution No. 4153

7. [Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee \("ACSC"\) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this Ordinance 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 ordinance to the Company and the ACSC's legal counsel.](#)

**Attachments:** [090319 Atmos RRM Ordinance 1944](#)  
[090319 Atmos RRM Exhibit A](#)  
[090319 Atmos RRM Exhibit B](#)  
[090319 Atmos RRM Exhibit C](#)  
[090319 Atmos RRM Presentation](#)

Ordinance No. 1944

8. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending March 31, 2019, and providing an effective date.](#)

**Attachments:** [090319 FY 19 Q2 Investment Report Resolution 4154](#)  
[090319 FY 19 Q2 Investment Report](#)

Resolution No. 4154

9. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending March 31, 2019, and providing an effective date.](#)

**Attachments:** [090319 FY 19 Q2 Financial Report Resolution 4155](#)  
[090319 FY 19 Q2 Financial Report](#)

Resolution No. 4155

10. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending June 30, 2019, and providing an effective date.](#)

**Attachments:** [090319 FY 19 Q3 Investment Report Resolution 4156](#)  
[090319 FY 19 Q3 Investment Report](#)

Resolution No. 4156

11. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending June 30, 2019, and providing an effective date.](#)

**Attachments:** [090319 FY 19 Q3 Financial Report Resolution 4157](#)  
[090319 FY 19 Q3 Financial Report](#)

Resolution No. 4157

## **G. OLD BUSINESS - None**

## **H. NEW BUSINESS**

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Smoking Axes, a proposed axe throwing Indoor Entertainment Facility, located on an approximately 2.995-acre tract of land, on the west side of South Main Street \(U.S. HWY 377\) and approximately 1,700 feet southwest of the intersection of Bear Creek Parkway and South Main Street \(U.S. HWY 377\), being Lot 4, Block A, Bear Creek Plaza Addition, at 770 South Main \(U.S. HWY 377\), Account \(#: 41037405\), and zoned Commercial \(C\). Gary Cox and Carlos Marroquin, Applicants. Bear Creek Plaza Associates, LTD, Property Owner.](#)

**Attachments:** [090319\\_SmokingAxesSUP-19-0017\\_Ordinance1945](#)  
[090319\\_SmokingAxesSUP-19-0017\\_ExhibitA\(1of4\)](#)  
[090319\\_SmokingAxesSUP-19-0017\\_ExhibitA\(2of4\)](#)  
[090319\\_SmokingAxesSUP-19-0017\\_ExhibitA\(3of4\)](#)  
[090319\\_SmokingAxesSUP-19-0017\\_ExhibitA\(4of4\)](#)  
[090319\\_SmokingAxesSUP-19-0017\\_Maps](#)  
[090319\\_SmokingAxesSUP-19-0017\\_StaffAttachment](#)  
[Smoking Axes Presentation](#)

Planner I, J.P. Ducay, gave a presentation relating to the request for an SUP for Smoking Axes at 770 South Main Street. Mr. Gary Cox, applicant, addressed the City Council regarding the proposal.

Mayor Pat McGrail opened the Public Hearing.

Ms. Vera Sweet, 328 Park North Lane, expressed her support of the proposal.

**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 Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to approve Ordinance No. 1945 approving a Specific Use Permit (SUP) for Smoking Axes, a proposed axe throwing Indoor Entertainment Facility, located on an approximately 2.995-acre tract of land, on the west side of South Main Street (U.S. HWY 377) and approximately 1,700 feet southwest of the intersection of Bear Creek Parkway and South Main Street (U.S. HWY 377), being Lot 4, Block A, Bear Creek Plaza Addition, at 770 South Main (U.S. HWY 377), Account (#: 41037405), and zoned Commercial (C). 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 cosmetology such as \(hair, nails and face\), and Texas-licensed massage therapists, for Cozy Day 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 southwest of the intersection of Keller Parkway and Cindy Street, 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. Zhenji Jin, applicant.](#)

**Attachments:** [090319\\_CozyDaySpaSUP-19-0018\\_Ordinance1946](#)  
[090319\\_CozyDaySpaSUP-19-0018\\_Maps](#)  
[090319\\_CozyDaySpaSUP-19-0018\\_ExhibitA\(1of2\)](#)  
[090319\\_CozyDaySpaSUP-19-0018\\_ExhibitA\(2of2\)](#)  
[090319\\_CozyDaySpaSUP-19-0018\\_StaffAttachment](#)  
[Cozy Day Spa Presentation](#)

Matt Cyr, Planning Technician, gave a presentation relating to the request for an SUP for Cozy Day Spa at 460 Keller Parkway.

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

**A motion was made by Mayor Pro Tem 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 Mayor Pro Tem Sean Hicks, to approve Ordinance No. 1946 approving a Specific Use Permit (SUP) to allow the use of a spa to include cosmetology such as (hair, nails and face), and Texas-licensed massage therapists, for Cozy Day 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 southwest of the intersection of Keller Parkway and Cindy Street, being Lot 1R, Block A, The Shops at Cindy Addition, zoned R (Retail), located at 460 Keller Parkway, Suite B. The motion carried unanimously.**

3. [PUBLIC HEARING: Consider an ordinance approving an amendment to the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by providing revisions to allow medical office use in the Town Center \(TC\) Zoning District with a Specific Use Permit \(SUP\) and modifying, Article 8 - Zoning-Districts, Development Standards, Tree Preservation; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-19-0013\)](#)

**Attachments:** [090319\\_ProposedOrdinance](#)  
[090319\\_Exhibit A\\_TownCenterUseTable](#)  
[Town Center Use Presentation](#)

Katasha Smithers, Planner I, gave a presentation relating to the request for an amendment to the Unified Development Code relating to medical office use in the Town Center Zoning District.

Mayor Pat McGrail opened the public hearing.

Mr. Brian Campbell, 1201 Johnson Road, gave a presentation relating to the development of Keller Town Center and expressed opposition to the proposal, asking City Council to adhere to the current zoning.

**A motion was made by Council Member Mitch Holmes, seconded by Mayor Pro Tem Sean Hicks, 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 deny the request for an amendment to the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by providing revisions to allow medical office use in the Town Center (TC) Zoning District with a Specific Use Permit (SUP) and modifying, Article 8 - Zoning-Districts, Development Standards, Tree Preservation; authorizing publication; provide for penalties; and establishing an effective date. The motion carried by the following vote:

YEA: Mayor Pat McGrail, Council Member Mitch Holmes, Council Member Beckie Paquin, Council Member Sheri Almond, Council Member Chris Whatley, and Council Member Tag Green.

NAY: Mayor Pro Tem Sean Hicks.

## **I. DISCUSSION – None**

## **J. EXECUTIVE SESSION**

Executive Session was not held during the Regular Meeting.

1. Section 551.072, Texas Government Code - Deliberation Regarding Real Property. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
  - a. Discuss Permanent Access Easement at Keller Sports Park.
2. Section 551.074, Texas Government Code - Personnel Matters.
  - (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;
    - a. City Secretary
    - b. City Manager
3. Adjourn into Open Meeting.
4. Action on Executive Session Items 1 and 2 if necessary.

## **K. ADJOURN**

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to adjourn the Regular Meeting at 8:07 P.M. The motion



**carried unanimously.**

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Mayor

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City Secretary