



REGULAR CITY COUNCIL MEETING

SEPTEMBER 19, 2017

LOCATION: 1400 Main Street, Southlake, Texas 76092
Council Chambers in Town Hall

WORK SESSION: 5:30 P.M.

1. Call to order
2. Invocation: Clayton Reed
3. Proclamation for Southlake Firefighters who assisted in Hurricane Harvey.
4. Resolution No. 17-039, Canvass the returns and declare the results of the Special Election held on September 9, 2017.
5. Administer the Oath of Office for City Council Place 6. Reception immediately following.
6. Discuss all items on tonight's agenda. No action will be taken and each item will be considered during the Regular Session.

REGULAR SESSION: Immediately following the work session

1. Call to order.
2. A. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f), and 418.106(d) & (e). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at the end of the Regular Session or at any time during the meeting that a need arises for the City Council to seek advice from the city attorney as to the posted subject matter of this City Council meeting.**
 1. Section 551.071: Consultation with city attorney
 - a. Seek advice of the city attorney regarding legal issues related to legislative items.
 - b. Seek advice of the City Attorney regarding legal issues related to a professional services contract.

2. Section 551.072: Deliberation regarding real property
 - a. Discuss the potential purchase or lease of real property for city facilities and projects.
 - b. Discuss access easement and right of way acquisition associated with real property.
3. Section 551.076: Deliberation regarding security devices
 - a. Deliberate the deployment or specific occasions for implementation of security personnel or devices.
4. Section 551.087: Deliberation regarding economic development negotiations
 - a. Discuss the terms and conditions of an economic development incentives program – Project No. 2017-02.

A. **Reconvene:** Action necessary on items discussed in Executive Session.

3. **REPORTS:**

- A. Mayor's Report
- B. City Manager's Report

CONSENT AGENDA: All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Councilmember or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

4. Consent:

- A. Approve minutes from the September 5, 2017 regular City Council meeting.
- B. *This item was intentionally left blank.*
- C. Approve Resolution No. 17-036, Annual Review of investment policy and investment strategies
- D. Approve Resolution No. 17-037, Amending the Fee Schedule
- E. *This item was intentionally left blank.*
- F. *This item was intentionally left blank.*

- G. Approve contract renewal with Illumination Fireworks LLC for community fireworks and special effect displays at City events in an amount not to exceed \$54,100.
- H. Approve contract renewal with Eagle AVL for audiovisual services at City special events in an amount not to exceed \$100,234.
- I. Excuse the absences of Commissioner Kourosh Panahy from the September 7, 2017 and September 21, 2017 Planning and Zoning Commission meetings.
- J. Table ZA17-067, Site Plan for Protein Fit Kitchen on property described as Lot 1, Block 1, Park Village, an addition to the City of Southlake, Tarrant County, Texas, and located at 1035 E. Southlake Blvd., Southlake, Texas. Current Zoning: "S-P-1" Detailed Site Plan District. SPIN #9. *(This item was tabled to the September 21, 2017 Planning and Zoning Commission meeting. If approved at that meeting, it will be considered by City Council on October 3, 2017.)*

REGULAR AGENDA:

- 5. Public Forum. *(The Public Forum will not begin prior to 7:00 p.m. This is the public's opportunity to address the City Council about non-agenda items. During this proceeding, the City Council will not discuss, consider or take action on any item presented. We respectfully ask that anyone stepping forward to speak during Public Forum to please limit remarks to three minutes or less.)*
- 6. Ordinances, second readings, public hearings, and related items:
 - A. Ordinance No. 1179, 2nd Reading, Tax Levy Ordinance **PUBLIC HEARING**
 - B. Ordinance No. 1180, 2nd Reading, Approving and adopting the Annual Budget for Fiscal Year 2018 and approving the revised budget figures for Fiscal Year 2017 and multi-year capital improvement program. **PUBLIC HEARING**
 - C. Ordinance No. 1178, 2nd Reading, approving and adopting a public right-of-way management ordinance regulating the physical use, occupancy and maintenance of City rights-of-way by wireless network providers. **PUBLIC HEARING**
 - D. Ordinance No. 480-699a (ZA17-053) 2nd reading Zoning Change and Site Plan for Falcon Holdings of Southlake to include a Variance to Masonry Ordinance No. 557, as amended, on property described as Tract 4C2A,

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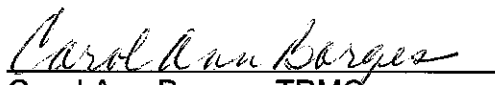
Absolom H. Chivers Survey, Abstract No. 299, City of Southlake, Tarrant County, Texas, and located at 500 E. State Hwy. 114, Southlake, Texas. Current Zoning: "S-P-1" Detailed Site Plan District. Requested Zoning: "S-P-1" Detailed Site Plan District. SPIN Neighborhood #3. **PUBLIC HEARING.**

- E. Resolution No. 17-034, (ZA17-058), Specific Use Permit for a Commercial School on property described as Lot 5R1, Block D, Commerce Business Park, an addition to the City of Southlake, Tarrant County, Texas and located at 2845 Exchange Blvd., Southlake, Texas. Current Zoning: "I-1" Light Industrial District. SPIN Neighborhood # 8. **PUBLIC HEARING**
 - F. ZA17-059, Site Plan for an Indoor Tennis Court Facility at the Southlake Tennis Center in Bicentennial Park to include a Variance to Masonry Ordinance No. 557, as amended, on property described as Tract 1C03 and portions of Tracts 1C02 and 1B, L.G. Hall Survey, Abstract No. 686, and Lot 2R2, L.G. Hall No. 686 Addition, City of Southlake, Tarrant County, Texas and located at 450 W. Southlake Boulevard, Southlake, Texas. Current Zoning: "CS" Community Service District. SPIN #7. **PUBLIC HEARING**
7. Ordinances, first readings, and related items:
- A. ORDINANCE No. 480-XXXX, 1st reading, amendment to the City of Southlake Comprehensive Zoning Ordinance No. 480, as amended, as it pertains to sidewalk requirements, lot coverage, accessory buildings and structures, portable buildings and miscellaneous clarifications and corrections within the ordinance.
 - B. Ordinance No. 483-Q, 1st reading, amendment to the City of Southlake Subdivision Ordinance No. 483, as amended, as it pertains to sidewalk requirements.
8. Resolutions:
- A. Resolution No. 17-038, Southlake 2035 Master Plan Committee appointments.
9. Other items for consideration:
- A. SV17-012, Variance to Sign Ordinance No. 704, as amended, for Scott E. Kasden, MD located at 2813 W. Southlake Blvd., Suite 130, Southlake, Texas.

10. Other items for discussion: *(There are no items on this agenda.)*
11. Adjournment

CERTIFICATE

I hereby certify that the above agenda was posted on the official bulletin boards at Town Hall, 1400 Main Street, Southlake, Texas, on Friday, September 15, 2017 by 6:00 p.m., pursuant to the Texas Government Code, Chapter 551.



Carol Ann Borges, TRMC
City Secretary



If you plan to attend this public meeting and have a disability that requires special needs, please advise the City Secretary's Office 48 hours in advance at 817-748-8016 and reasonable accommodations will be made to assist you.

EXECUTIVE SESSION

Section 551.071: Consultation with attorney. The City Council may conduct a private consultation with its attorney when the City Council seeks the advice of its attorney concerning any item on this agenda, about pending and contemplated litigation, or a settlement offer, or on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts with Chapter 551. This includes the following pending and/or contemplated litigation subjects:

1. Pending Public Information Act requests.
2. Texas Attorney General litigation defending the constitutionality of the Texas Open Meetings Act.
3. Legal issues regarding the Barnett Shale gas extraction and transportation.
4. Legal issues related to property located at 3100, 3110, and 3112 East Southlake Boulevard.
5. City of Southlake v. Ashwin J. Babaria, et. al.; Cause No. 2011-006149-3; eminent domain action regarding property located at 1470 North Kimball Avenue, Southlake, Texas.
6. James H. Watson v. City of Allen, et.al.; Civil Action No. 4:15-CV-00335-A.
7. Constance Westfall v. Jose Luna, Nathaniel Anderson, Venessa Trevino, Chris Melton, and Thomas Roberson, and the City of Southlake; Civil Action No. 4:15-CV-00874-O.
8. Chad Wilson and Martha Wilson, Individually and as next friend, for S.W. v. City of Southlake, Southlake Police Department and Randy Baker, Individually; Civil Action No. 4:16-cv-00057.
9. Lester J. Strait v. Savannah Court Partnership, et.al.; Cause No. 342-281936-15.

Section 551.072: Deliberation regarding real property. The City Council may conduct a closed meeting to deliberate the purchase, exchange, lease or value of real property.

Section 551.073: Deliberation regarding prospective gift or donation. The City Council may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the City.

Section 551.074: Deliberation regarding personnel matters. The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public officers, including the City Manager, City Secretary, City Attorney, Municipal Judge and city boards and commission members. A complete list of the city boards and commissions is on file in the City Secretary's Office.

Section 551.076: Deliberation regarding security devices. The City Council may deliberate the deployment, or specific occasions for implementation of security personnel or devices.

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Section 551.087: Deliberation regarding economic development negotiations. The City Council may discuss or deliberate regarding commercial or financial information received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect as described above.

Section 418.183(f): Texas Disaster Act. The City Council may deliberate information: 1) for purposes of preventing, investigating, or responding to an act of terrorism or related criminal activity and involving emergency response providers, their staffing, contact information and tactical plans; 2) that relates to the risk or vulnerability of persons or property, including infrastructure, to an act of terrorism; 3) that relates to the assembly of an explosive weapon, the location of a material that may be used in a chemical, biological or radioactive weapon, or unpublished information pertaining to vaccines or devices to detect biological agents or toxins; 4) that relates to details of the encryption codes or security keys for a public communication system; 5) that relates to a terrorism-related report to an agency of the United States; 6) that relates to technical details of particular vulnerabilities of critical infrastructure to an act of terrorism; 7) that relates to information regarding security measures or security systems intended to protect public and private property from an act of terrorism. The Texas Disaster Act specifically requires that a tape recording of the closed meeting be made.

Section 418.106(d) & (e): Local meetings to discuss emergency management plans regarding pipeline safety. The City Council may discuss emergency management plans involving pipeline safety and/or security of pipeline infrastructures or facilities when those plans or discussions contain such sensitive information.