



# City of Keller

## City Council

### Meeting Minutes

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

---

Tuesday, November 5, 2019

---

#### 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 meeting to order at 5:02 P.M.

The following City Council Members were present:

Mayor Pat McGrail  
Mayor Pro Tem Sean Hicks  
Council Member Mitch Holmes  
Council Member Sheri Almond  
Council Member Beckie Paquin  
Council Member Chris Whatley  
Council Member Tag Green

The following City staff members were present: City Manager Mark Hafner, City Attorney Matt Butler, City Secretary Kelly Ballard, Director of Administrative Services Aaron Rector, Director of Community Services Cody Maberry, Director of Public Services/Economic Development Trina Zais, Director of Public Works Alonzo Linan, Interim Police Chief Tracy Talkington, 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 5:03 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.**

(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. **Project Phoenix**

2. **Adjourn into Open Meeting.**

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

Action was taken in the Regular Meeting, New Business Item 5.

**D. WORK SESSION**

1. [Discuss the schedule of Planning and Zoning Commission Meetings](#)

Director of Community Development Julie Smith addressed the City Council regarding a request to move the Planning and Zoning Commission meetings from the second and fourth Monday of every month to the second and fourth Tuesday of every month. Discussion was held by the City Council.

The City Council directed staff to move the Planning and Zoning Commission Meetings to the second and fourth Tuesday of every month beginning in December.

2. [Receive an update on the Johnson Road project.](#)

**Attachments:** [Item D-2 Johnson Road Update Presentation](#)

Director of Public Works Alonzo Linan gave a presentation relating to the Johnson Road Project. Discussion was held by the City Council. Mr. Brian Campbell, 1201 Johnson Road, and other residents in attendance, expressed their concerns with the Johnson Road reconstruction project and a city survey relating to the project.

**E. ADJOURN**

Mayor Pat McGrail adjourned the Pre-Council Meeting at 7:25 P.M.

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

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

Mayor Pat McGrail called the Regular Council Meeting to order at 7:38 P.M.

## B. INVOCATION

Pastor Brian Baker, Life Church, gave the invocation.

## C. PLEDGE OF ALLEGIANCE

Arrow of Light Boy Scout Troop 175 led the pledge to the United States Flag and the pledge 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

1. [Proclamation - Field of Honor Week](#)

Attachments: [Field of Honor Week.pdf](#)

Mayor Pat McGrail presented a proclamation to representatives of the North Texas Field of Honor, proclaiming November 10 - 16, 2019 as Field of Honor Week in The City of Keller.

## 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.

Mrs. Debbie Bryan, 760 Mt. Gilead Road, expressed her desire for the public to participate in the decision on the Hidden Lakes HOA median irrigation agenda item.

Ms. Leslie Sagar, 2190 Ottinger Road, and Mr. Ray Brown, 2100 Ottinger Road, both spoke regarding their issues with Frontier Communications.

Former Mayor Mark Mathews, 516 Llano Court, expressed his concerns with the Hidden Lakes median irrigation agenda item, his support of the CWD Contract, and his thoughts on the Keller Smithfield Road traffic signal and Johnson Road construction projects.

Ms. Alicia Ostermeier, 1735 Sterling Trace Drive, expressed her concerns with high density and a concert venue.

Mr. Bob Stephenson, 904 Keller Smithfield Road South, reaffirmed his support for development and progress in Keller.

Mr. Todd Almand, 513 Ironwood Drive, thanked the City Council for their support of the

Hidden Lakes HOA median irrigation agreement.

Ms. Cecilia Restivo, 157 Frank Lane, expressed her opposition to the update of the Future Land Use Plan as it relates to her property.

Mr. Rich DeOtte, TAD Nominee, thanked the City Council for their nomination, and expressed his thoughts on the TAD Board of Directors election.

Mr. David R. Miller, 148 Frank Lane, expressed his opposition to the update of the Future Land Use Plan as it relates to his property.

Mr. Rodney Hill, 1816 Whitley Road, expressed his opposition to the update of the Future Land Use Plan as it relates to his property and his desire for lower density property options.

Mr. Tim Stapula, 1970 Lewis Crossing Drive, expressed his opposition of high density developments.

Mr. Paul Alvarado, Planning and Commission Commissioner, thanked the City Council for their service.

## 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.

Council Member Mitch Holmes made a motion to consider Consent Agenda Item 5 as a separate agenda item. Mayor Pro Tem Sean Hicks seconded the motion.

**A motion was made by Council Member Chris Whatley, seconded by Council Member Beckie Paquin, to approve Consent Agenda Items 1-4. The motion carried unanimously.**

1. [Consider approval of the Minutes of the Tuesday, October 15, 2019 Regular City Council Meeting.](#)

**Attachments:** [101519 Minutes.pdf](#)

Approved

2. [Consider a resolution approving the purchase of one \(1\) replacement Gradall telescoping boom excavator from Kirby-Smith Machinery, Inc. of Fort Worth, Texas through the Buyboard Cooperative Purchasing Program; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas](#)

**Attachments:** [110519 Gradall Equipment Resolution](#)  
[110519 Gradall 2019 Gradall warranty](#)

Resolution No. 4180

3. [Consider a resolution awarding a contract for construction of the Water System Capital Improvements Plan - Phase 1 project to North Texas Contracting, Inc., of Keller, Texas and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [110519 Water System Capital Improvement Resolution](#)  
[110519 Water System Capital Improvement Location Map](#)  
[110519 Water System Capital Improvement Resolution No 3745 - Apply to TWDB](#)  
[110519 Water System Capital Improvement Resolution No 3794 - Authorize Agree with TWDB](#)  
[110519 Water System Capital Improvement Resolution No. 4090 - CSP & Delegate Authority](#)  
[110519 Water System Capital Improvement Summary of Proposal Evaluations](#)

Resolution No. 4181

4. [Consider a resolution approving the purchase of one \(1\) replacement Kubota Track Loader, from Zimmerer Kubota & Equipment, Inc., of Fort Worth, Texas, through the BuyBoard Cooperative Purchasing Program, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [110519 Kubota Track Loader Resolution](#)  
[110519 Kubota Track Loader BuyBoard Quote](#)  
[110519 Kubota Track Loader Staff Attachment](#)  
[110519 Kubota Track Loader Claw Grapple Quote](#)  
[110519 Kubota Track Loader Trencher Quote](#)

Resolution No. 4182

5. [Consider a resolution casting votes for nominee\(s\) for the Board of Directors of the Tarrant Appraisal District for a two-year term beginning January 1, 2020.](#)

**Attachments:** [110519 Resolution Nominees for Board of Directors of Tarrant Appraisal District](#)

A motion was made by Council Member Mitch Holmes, seconded by Mayor Pro Tem Sean Hicks, to approve Resolution No. 4183 casting 28 votes supporting Mr. Rich DeOtte for the Board of Directors of the Tarrant Appraisal District for a two-year term beginning January 1, 2020. The motion carried unanimously.

## G. OLD BUSINESS

1. [PUBLIC HEARING: Consider an ordinance replacing the City of Keller Land Use Element of the Keller Master Plan, adopted by Resolution No. 1051, dated August 31, 1998; bringing into conformance with state and federal laws and professional best practices; providing a conflicting ordinance clause; authorizing publication; and establishing an effective date.](#)

**Attachments:** [100119 FLUP Proposed Ordinance](#)  
[100119 Proposed FLUP UPDATE Exhibit A](#)

Director of Public Services/Economic Development Trina Zais gave a presentation relating to the update of the Future Land Use Plan (FLUP).

Mayor Pat McGrail opened the public hearing. The following individuals expressed their opposition to the update of the Future Land Use Plan:

Mr. Terry Black, 1129 Williamsburg Lane; Ms. Sue Salstrand, 1004 N. Main Street; Mr. David Miller, 148 Frank Lane; Mr. Mark Barfield, 1016 Pienza Path; Mr. Ray Brown, 2100 Ottinger Road; Mr. Russ Samita, 116 Audrey Drive; Mr. Steve Boggus, 923 Talbot Street; Mr. Cary Clark, 7512 Wentwood Drive, Dallas; Mr. Eric Schmidt, 1104 Manor Way; Ms. Funmi Benson, 413 Silver Chase Drive; Mr. David Tashman, 1705 Everest Road; Ms. Kristen Greenlee, 1525 Goldenrod Lane; and Former Mayor Mark Mathews, 516 Llano Court.

Ms. Leslie Sagar, 2190 Ottinger Road, expressed her support of changing the zoning designation for LD-SF-25 to LD-SF-36 and greater.

Mrs. Debbie Bryan, 760 Mt. Gilead Road, expressed her concern with letters not being sent to all property owners and also support of changing the zoning designation for LD-SF-25 to LD-SF-36 and greater.

Ms. Pamela Turner, 1116 Keller Smithfield Road South, expressed her support of changing the zoning designation for LD-SF-25 to LD-SF-36 and greater.

Ms. Joan Boyle, 1262 Oak Hill Road, expressed her opposition of high density.

**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 Beckie Paquin, to deny the proposed request to replace the City of Keller Land Use Element of the Keller Master Plan. The motion carried by the following vote:**

**AYE:** 5 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Beckie Paquin

**NAY:** 2 - Council Member Chris Whatley, and Council Member Tag Green

## H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for an accessory building, proposed to be a 2,160 square-foot accessory garage and workshop to exceed the maximum 15-foot height requirement and size ratio of fifty percent \(50%\) of the main structure, on an approximately 1.244-acre tract of land, located on the south side of Melody Lane, and approximately 1,000 feet east of the intersection of Roanoke Road and Melody Lane, being Lot 7R1, Melody Hills Estates Addition, at 1120 Melody Lane, and zoned Single-Family Residential-36,000 square-foot lot minimum \(SF-36\). Kevin and](#)

Marsha Holmes, owners/applicants.

**Attachments:** [110519\\_HolmesAccessorySUP-19-0020\\_ProposedOrdinance](#)  
[110519\\_HolmesAccessorySUP-19-0020\\_Maps](#)  
[110519\\_HolmesAccessorySUP-19-0020\\_ExhibitA\(1of3\)](#)  
[110519\\_HolmesAccessorySUP-19-0020\\_ExhibitA\(2of3\)](#)  
[110519\\_HolmesAccessorySUP-19-0020\\_ExhibitA\(3of3\)](#)  
[110519\\_HolmesAccessorySUP-19-0020\\_ExhibitA\(4of4\)](#)  
[110519\\_HolmesAccessorySUP-19-0020\\_Photos](#)  
[110519\\_HolmesAccessorySUP-19-0020\\_StaffAttachment\(1of1\)](#)  
[Item H-1 Holmes Presentation](#)

Director of Community Development Julie Smith gave a presentation relating to a Specific Use Permit (SUP) for an accessory building at 1120 Melody Lane. Mr. Kevin and Marsha Holmes, 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 Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, 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. 1954 approving a Specific Use Permit (SUP) for an accessory building, proposed to be a 2,160 square-foot accessory garage and workshop to exceed the maximum 15-foot height requirement and size ratio of fifty percent (50%) of the main structure, at 1120 Melody Lane. The motion carried by the following vote:**

**AYE:** 6 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley

**NAY:** 1 - Council Member Tag Green

2. [Consider a resolution approving an agreement with the Hidden Lakes Homeowners Association of Keller, Texas, for an annual payment from the City of Keller, Texas towards the cost of maintaining landscape medians on public roadways within the Hidden Lakes Homeowners Association; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [110519\\_HiddenLakesMedians\\_Resolution](#)  
[110519\\_HiddenLakesMedians\\_Exhibit A-Agreement](#)

City Manager Mark Hafner addressed the City Council regarding the proposed agreement with the Hidden Lakes Homeowners Association relating to the cost of maintaining landscape medians on public roadways within Hidden Lakes.

**A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member**

Sheri Almond, to approve Resolution No. 4184 approving an agreement with the Hidden Lakes Homeowners Association of Keller, Texas, for an annual payment from the City of Keller, Texas towards the cost of maintaining landscape medians on public roadways within the Hidden Lakes Homeowners Association; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas. The motion carried by the following vote:

**AYE:** 5 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Beckie Paquin

**NAY:** 2 - Council Member Chris Whatley, and Council Member Tag Green

3. [Consider a resolution approving an amendment to Contract No. 15-64 with Community Waste Disposal, of Dallas, Texas; by amending Article 22, Remuneration - Disposal; to allow the change in the Disposal component of the Annual Adjustment to exceed the 6% up or down cap; for citywide garbage rates for the period January 1 - August 31, 2020; and authorizing the City Manager to execute said amendment on behalf of the City of Keller, Texas.](#)

**Attachments:** [110519\\_CWD Market Adjustment Resolution](#)  
[110519\\_CWD Market Adjustment RequestLetter](#)  
[110519\\_CWD Market Adjustment Exhibit A](#)  
[110519\\_CWD Market Adjustment Fuel](#)  
[110519\\_CWD Market Adjustment CPI](#)  
[110519\\_CWD Market Adjustment Staff Attachment-Contract No. 15-64](#)  
[Item H-3 CWD Market Adjustment Presentation](#)

Administrative Services Manager Sarah Hensley gave a presentation relating to the request for an amendment to the contract with Community Waste Disposal.

Mr. Greg Roemer, Community Waste Disposal President and CEO, gave a presentation relating to the proposal.

**A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Resolution No. 4185 approving an amendment to Contract No. 15-64 with Community Waste Disposal, of Dallas, Texas; by amending Article 22, Remuneration - Disposal; to allow the change in the Disposal component of the Annual Adjustment to exceed the 6% up or down cap; for citywide garbage rates for the period January 1 - August 31, 2020; and authorizing the City Manager to execute said amendment on behalf of the City of Keller, Texas. The motion carried unanimously.**

4. Consider a resolution approving or rejecting the proposals for the construction of the traffic signal at Bear Creek Parkway and Keller Smithfield Road for the Public Works Department.

**Attachments:** 110519\_Traffic Signal\_Bid Resolution  
110519\_Traffic Signal\_Bid Summary  
Item H-4 Traffic Signal Presentation

Director of Public Works Alonzo Linan gave a presentation relating to the bids received for the Traffic Signal Construction at the Bear Creek Parkway and Keller Smithfield Road intersection.

**A motion was made by Council Member Mitch Holmes, seconded by Council Member Chris Whatley, to approve Resolution No. 4186 approving an agreement with Durable Specialties, Inc. of Grand Prairie, Texas to construct the traffic signal at the Bear Creek Parkway and Keller Smithfield Road intersection, in the amount of \$245,839 in accordance with the terms and conditions set forth in said Contract for Construction for the Public Works Department. The motion carried by the following vote:**

**AYE:** 6 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley

**NAY:** 1 - Council Member Tag Green

5. [Consider a resolution approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the city's economic development policy, with KP Bowden, LLC, owner of a proposed regional headquarters office building located at 1807 Keller Parkway on 2.428 acres known as lot 3, block A, Bowden Event Center Addition, Keller, Texas; and authorizing the city manager to execute said documents on behalf of the City of Keller, Texas.](#)

**Attachments:** [Item H-5 380 Agreement](#)  
[Resolution No. 4187.docx](#)

Director of Public Services/Economic Development Trina Zais gave a presentation relating to the Chapter 380 Economic Development Program Agreement.

**A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to approve Resolution No. 4187 approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the city's economic development policy, with KP Bowden, LLC, owner of a proposed regional headquarters office building located at 1807 Keller Parkway on 2.428 acres known as lot 3, block A, Bowden Event Center Addition, Keller, Texas; and authorizing the city manager to execute said documents on behalf of the City of Keller, Texas. 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. Project Phoenix

**2. Adjourn into Open Meeting.**

**3. Action on Executive Session Item 1 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 11:35 P.M. The motion carried unanimously.

---

Mayor

---

City Secretary