



City of Keller

City Council

Meeting Minutes

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

Tuesday, September 17, 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 Pre-Council Meeting to order at 5:00 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.

Mayor Pat McGrail welcomed Justin Chasteen to the meeting. Justin is a Life Scout with Troop 336 working towards his Communications Merit Badge.

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 5:27 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. North Highway 377 Sewer and 1100 N. Main Street

2. Adjourn into Open Meeting.

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

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION

1. [Discuss the welcome to Keller letter.](#)

Mayor Pat McGrail addressed the City Council regarding a welcome letter that was signed by Mayor Pro Tem Sean Hicks, Council Member Mitch Holmes, Council Member Sheri Almond, and Council Member Beckie Paquin. The letter was mailed to new registered voters within the City. Discussion was held by the City Council.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 7:00 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 7:18 P.M.

B. INVOCATION

Pastor Trey Grant, The Well Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail 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 - None

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.

Mr. Chris Polidore and Mrs. Mary Jo Polidore 1905 Kingsbridge Lane; Mrs. Linda Taylor, 1201 Bourland Road; Mr. David Tashman, 1705 Everest Road; expressed their concerns relating to the Texas Open Meetings Act violations, Code of Ethics violations, Election Law violations, and thoughts regarding a welcome letter that was signed by Mayor Pro Tem Sean Hicks, Council Member Mitch Holmes, Council Member Sheri Almond, and Council Member Beckie Paquin.

Mr. Brian Campbell, 1201 Johnson Road, gave a presentation and expressed his thoughts regarding an email he received through an open records request that was sent by Council Member Tag Green to Mayor Pat McGrail.

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.

Mayor Pat McGrail announced that no action will be taken on Consent Item F-1.

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Consent Items F-2, F-3, F-4, and F-5. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, September 3, 2019 Regular City Council Meeting.](#)

No action taken.

2. [Consider a resolution appointing members to serve on the Keller Animal Shelter Advisory Committee, as provided for in Section 823.005 of the Texas Health and Safety Code, and providing an effective date.](#)

Attachments: [091719 AnimalShelterCommittee Resolution](#)

Resolution No. 4158 (7-0)

3. [Consider a resolution approving an Agreement with Hardin & Associates Consulting, LLC.](#)

of Carrollton, Texas for the purpose of completing state-mandated of customer service inspections (CSIs) of private water systems and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.

Attachments: [09/17/2019 Hardin & Associates Resolution](#)
[09/17/2019 Hardin & Associates Exhibit A](#)

Resolution No. 4159 (7-0)

4. Consider a resolution approving the purchase of Miscellaneous Concrete Improvements, including curb and gutter repairs, driveway aprons and other miscellaneous concrete repairs, from Apex Concrete Construction of Keller, Texas, through the interlocal agreement with the City of North Richland Hills, dated July 19, 2005; for the Public Works Department; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [091719 Misc Concrete Resolution](#)
[091719 Misc Concrete NRH Interlocal](#)
[091719 Misc Concrete Bid](#)
[091719 Misc Concrete Renewal](#)

Resolution No. 4160 (7-0)

5. Consider a resolution approving a Developer's Agreement with representatives of the Walker Addition to install sanitary sewer and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.

Attachments: [09/17/2019 Walker Development Agreement - Resolution](#)
[09/17/2019 Walker Dev Agreement Sewer Policy Implementation Plan](#)
[09/17/2019 Walker Dev Agreement 2004 Sewer Policy](#)
[09/17/2019 Walker Addition Development Agreement for Walker Addition](#)
[Item F-5 Walker Development Presentation](#)

Resolution No. 4161 (7-0)

G. NEW BUSINESS

1. 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 amending Article 4 - Development Procedures and Requirements for Application Submittals; Article 5 - Subdivision Design and Improvement Requirements; and Article 8 - Zoning-Districts, Development Standards, Tree Preservation to amend utility easement requirements related to trees in rights-of-way; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. (UDC-19-0012)

Attachments: [091719 UDC Amend-Utility Easements Proposed Ordinance](#)
[091719 UDC Amend-Utility Easements UDC Article 4](#)
[091719 UDC Amend-Utility Easements UDC Article 5](#)
[091719 UDC Amend-Utility Easements UDC Article 8](#)
[UDC AMEND PRESENTATION](#)

Director of Community Development, Julie Smith, gave a presentation relating to the proposed amendments to the City of Keller Unified Development Code.

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 Sheri Almond, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Council Member Sheri Almond, to approve Ordinance No. 1947 approving an amendment to the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 4 - Development Procedures and Requirements for Application Submittals; Article 5 - Subdivision Design and Improvement Requirements; and Article 8 - Zoning-Districts, Development Standards, Tree Preservation to amend utility easement requirements related to trees in rights-of-way; authorizing publication; provide for penalties; and establishing an effective date. The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving certain amendments to the Fiscal Year 2018-19 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter.](#)

Attachments: [FY 19 Budget Amend](#)
[Presentation Budget Amendments](#)

Director of Administrative Services, Aaron Rector, gave a presentation relating to amendments to the Fiscal Year 2018-19 Annual Operating Budget for the City of Keller.

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

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 Mayor Pro Tem Sean Hicks, to approve Ordinance No. 1948 approving certain amendments to the Fiscal Year 2018-19 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter. The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020, including the 2019-20 Capital Improvements Program, and adopting the Fiscal Year 2019-20 Fee Schedule for the City of Keller, Texas.](#)

Attachments: [091719 FY 2019-20 Budget Adoption Ordinance](#)
[091719 FY2019-20 Fee Schedule](#)
[Item G-3 to G-5 Presentations](#)

Director of Administrative Services, Aaron Rector, gave a presentation relating to Agenda Items G-3: adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020, including the 2019-20 Capital Improvements Program, and adopting the Fiscal Year 2019-20 Fee Schedule, G-4: ratifying the tax revenue for the Tax Year 2019 (Fiscal Year 2019-20), and G-5: levying taxes to be assessed on all taxable properties within the city limits of the City of Keller for the Tax Year 2019 (Fiscal Year 2019-20).

Mayor Pat McGrail opened the public hearing for Agenda Item G-3. No public comments were received.

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 Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1949 adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020, including the 2019-20 Capital Improvements Program, and adopting the Fiscal Year 2019-20 Fee Schedule for the City of Keller, Texas. The motion carried unanimously.

4. [Consider a resolution ratifying the tax revenue for the Tax Year 2019 \(Fiscal Year 2019-20\) for the City of Keller, Texas.](#)

Attachments: [091719 Tax Ratification Resolution](#)
[Item G-3 to G-5 Presentations](#)

Director of Administrative Services, Aaron Rector, gave a presentation relating to ratifying the tax revenue with the presentation for Agenda Item G-3.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Resolution No. 4162 ratifying the tax revenue for the Tax Year 2019 (Fiscal Year 2019-20) for the City of Keller, Texas. The motion carried unanimously.

5. [Consider an ordinance levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2019 \(Fiscal Year 2019-20\).](#)

Attachments: [091719 Tax Rate Adoption Ordinance](#)
[Item G-3 to G-5 Presentations](#)

Director of Administrative Services, Aaron Rector, gave a presentation relating to levying taxes to be assessed on all taxable properties within the city limits with the presentation for Agenda Item G-3.

A motion was made by Council Member Chris Whatley, seconded by Council

Member Tag Green, to approve Ordinance No. 1950 levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2019 (Fiscal Year 2019-20). The motion carried unanimously.

H. 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: [091719 FLUP ProposedOrdinance](#)
[091719 Proposed FLUP UPDATE](#)
[Item H-1 FLUP Presentation](#)

Director of Public Services / Economic Development Trina Zais, gave a presentation relating to the Future Land Use Plan Update.

Mayor Pat McGrail opened the public hearing.

The following individuals expressed their concerns with apartments and mixed-use developments within the proposed Future Land Use Plan: Mrs. Debbie Wolfe, 1285 Mount Gilead Road; Ms. Joan Boyle 1262 Oak Hill Road; Mrs. Debbie Bryan, 760 Mount Gilead Road; Mrs. Mary Jo Polidore, 1905 Kingdbridge Lane; Mr. David Tashman, 1705 Everest Road; Mr. Ed Yrisarri, 1445 Melody Lane; Mr. Bill McCrea, 701 Muirfield Road, Mr. Tim Stapula, 1907 Lewis Crossing Drive; Mr. Eric Schmidt, 1104 Manor Way; Mrs. Funmie Benson, 413 Silver Chase Drive, and Mr. David Bradley 1045 Sunrise Drive.

No action was taken. An additional public hearing will be held at the Regular City Council Meeting on Tuesday, October, 1, 2019. Action is scheduled to be taken at the October 1, 2019 Council Meeting.

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. North Highway 377 Sewer and 1100 N. Main Street

2. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

K. ADJOURN

A motion was made by Council Member Mitch Holmes, seconded by Council Member Chris Whatley, to adjourn the Regular Council Meeting at 9:40 P.M. The motion carried unanimously.

Mayor

City Secretary