



City of Keller

City Council

Meeting Minutes

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

Tuesday, April 16, 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 5:38 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 Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Community Development Julie Smith, Director of Public Works Alonzo Linan, Police Captain Tracy Talkington, and Deputy Fire Chief Shane Gainer.

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 6:32 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.

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 Pre-Council Meeting back to order at 6:37 P.M.

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

No action was taken.

D. WORK SESSION

1. [Budget Strategic Planning - Sales Tax Update](#)

Attachments: [Sales Tax Update](#)

Director of Administrative Services Aaron Rector gave an update relating to sales tax.

2. [Receive a presentation on Electric Vehicle Charging Stations](#)

Staff announced that this item will be discussed at a later date.

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 Meeting to order at 7:07 P.M.

B. INVOCATION

Mr. David Ashton, Keller Church of Jesus Christ Latter-Day Saints, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail led 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

1. [Proclamation- Child Abuse Prevention Month](#)

Attachments: [4.16.19 Child Abuse Prevention.pdf](#)

Mayor Pat McGrail presented a proclamation for Child Abuse Prevention Month to Ms. Julie Braun, Alliance for Children.

2. [Proclamation- National Small Business Week](#)

Attachments: [4.16.19 Small Business Week.pdf](#)

Mayor Pat McGrail presented a proclamation for National Small Business Week to Ms. Amy Razor, Fort Worth Regional Director, Better Business Bureau.

3. [Presentation of Life Saving Certificates](#)

Deputy Fire Chief Shane Gainer presented Life Saving Certificates to Keller Pointe employees: Sean Payne and Madeline Roberts.

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. Frank Roszell, 2230 Union Church Road, addressed his thoughts on Keller politics and campaigns.

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 Tag Green, seconded by Council Member Sean Hicks, to consider Consent Item 2 as a separate Item. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Council Member Eric Schmidt, to approve Consent Items 1 and 3. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, April 2, 2019 Regular City Council Meeting.](#)

Attachments: [040219 Minutes.pdf](#)

Approved

2. [Consider a resolution approving a contract with Lagniappe Productions for the Mystery Dinner Theater event at the Keller Senior Activities Center, and authorizing the City Manager to execute all purchase documents related thereto on behalf of the City of Keller.](#)

Attachments: [041619_Mystery Dinner Theater Resolution 4114](#)

[041619_Mystery Dinner Theater Agreement](#)

A motion was made by Council Member Eric Schmidt, seconded by Council Member Tag Green, to approve Resolution No. 4114 approving a contract with Lagniappe Productions for the Mystery Dinner Theater event at the Keller Senior Activities Center, and authorizing the City Manager to execute all purchase documents related thereto on behalf of the City of Keller. The motion carried unanimously. Council Member Chris Whatley recused himself from the vote.

3. [Consider an ordinance amending the City of Keller Code of Ordinances, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1600 Adoption of plan and policies, by deleting the current Water Conservation Plan in its entirety and replacing it with a new Attachment "A", Water Conservation Plan for the City of Keller, and by deleting the current Drought Contingency and Emergency Water Management Plan in its entirety and replacing it with a new Attachment "B", Drought Contingency and Emergency Water Management Plan for the City of Keller.](#)

Attachments: [041619 Water Conservation and Drought Plans Ordinance](#)

[041619_Drought Contingency Plan Attachment B](#)

[041619 Water Conservation Plan Attachment A](#)

[041619 Water Conservation and Drought Plans Staff Attachment](#)

[Keller Water Conservation Drought Contingency Plan City Council Update 20190416 \(ALZ\)](#)

Ordinance No. 1928

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Consider a resolution for the approval of an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for residential Lots 13-32, Block B; Lots 8-14, Block F; Lots 1-14, Block G, and one open space lot of Gean Estates Phase 3, a residential development consisting of forty-one \(41\) residential lots and two \(2\) open space lots, located on approximately 40.73 acres of land, on the south side of Bancroft Road, approximately 2,550 feet east of the Bancroft and Bourland Road Intersection, at 740 Bancroft Road, and zoned Single Family Residential-36,000 square foot minimum \(SF-36\). Kyle Dickerson, Lennar Homes of Texas Land and Construction, owner/applicant. LJA Engineering, Inc., Engineer. \(TB-18-0001\)](#)

Attachments: [04162019 TreeAppealGean3 Resolution](#)

[04162019 TreeAppealGean3 Maps](#)

[04162019 TreeAppealGean3 AttachmentB Erosion Plan](#)

[04162019 TreeAppealGene3 AttachmentB Tree Plan 1](#)

[04162019 TreeAppealGene3 AttachmentB Tree Plan 2](#)

[04162019 TreeAppealGean3 AttachmentB Tree Plan 3](#)

[04162019 TreeAppealGene3 AttachmentB Tree Plan 4](#)

[04162019 TreeAppealGean3 AttachmentB Tree Plan 5](#)

[04162019 TreeAppealGean3 AttachmentB Tree Plan 6](#)

[04162019 TreeAppealGean3 AttachmentB Tree Plan 7](#)

[04162019 TreeAppealGean3 AttachmentB Tree Plan 8](#)

[04162019 TreeAppealGean3 AttachmentA Approved Plat](#)

[04162019 TreeAppealGean3 AttachmentC Proposed Mitigation](#)

[04162019 TreeAppealGean3 Attachment D Mitigation Summary](#)

[PRESENTATION](#)

Planner I Scott Bradburn gave a presentation relating to a request for an appeal to the City of Keller Unified Development Code, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for Gean Estates Phase 3.

Mr. Kyle Dickerson, Lennar Homes of Texas Land and Construction, addressed the City Council regarding the proposal.

Discussion was held by the City Council regarding number of trees to be removed on the 41 acres. Community Development Director Julie Smith commented that the Unified Development Code may be amended in the future to allow home owners the ability to mitigate tree removal the same as developers.

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to approve a resolution for the approval of an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for Gean Estates Phase 3. The motion failed by the following vote:

YEA: Council Member Mitch Holmes, Council Member Sean Hicks, and Council Member Chris Whatley.

NAY: Mayor Pat McGrail, Council Member Eric Schmidt, and Council Member Tag Green.

I. DISCUSSION – None

J. EXECUTIVE SESSION

Executive Session was not held during the Regular City Council Meeting.

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.

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

K. ADJOURN

A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to adjourn the meeting at 8:10 P.M. The motion carried unanimously.

Mayor

City Secretary