



**City of Keller  
City Council  
Agenda**

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

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Tuesday, January 17, 2023

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

**A. CALL TO ORDER - Mayor Pro Tem Ross McMullin**

**B. DISCUSS AND REVIEW AGENDA ITEMS**

**C. EXECUTIVE SESSION**

The Pre-Council Meeting is now recessed so that the Council, in compliance with provisions of the Texas Open Meetings Act as authorized therein, shall go into Executive Session to consider matters allowed therein and as stated in the agenda.

1. **Section 551.071, Texas Government Code - Consultation with Attorney; Closed Meeting. A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about:**

(a) pending or contemplated litigation: Meritage Homes of Texas, LLC VS. City of Keller, Texas

2. Adjourn into Open Meeting.
3. Action on Executive Session Item 1 if necessary.

**D. WORK SESSION**

1. [Receive a briefing from Fire Chief Tatum on his first 90 day assessment of the Keller Fire Department and the commercial Fire Codes.](#)

**E. ADJOURN**

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

**A. CALL TO ORDER – Mayor Pro Tem Ross McMullin**

**B. INVOCATION - Pastor Dave Bream, Hillside Community Church**

**C. PLEDGE OF ALLEGIANCE**

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. Each speaker will be allowed three (3) minutes to speak.

**F. CONSENT**

1. [Consider approval of the Minutes of the Tuesday, December 20, 2022 Regular City Council Meeting.](#)

**Attachments:** [122022 Minutes.pdf](#)

2. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending September 30, 2022, and providing an effective date.](#)

**Attachments:** [011723 FY22Q4 Investment Report Resolution](#)  
[011723 Quarterly Investment Report\\_093022](#)

3. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending September 30, 2022 \(unaudited\), and providing an effective date.](#)

**Attachments:** [011723 FY22Q4 Financial Report Resolution](#)  
[011723 Quarterly Financial Report\\_093022](#)

4. [Consider a resolution approving the purchase of Enterprise Permitting & Licensing community development software and implementation services from Tyler Technologies and authorizing the City Manager to execute all purchasing documents related thereto.](#)

**Attachments:** [011723 CDSsoftware Resolution](#)  
[011723\\_CDSsoftware\\_ExhibitA](#)

5. [Consider a resolution approving a payment to North Texas Contracting of Keller, Texas for the emergency repair of the 16-inch transmission waterline owned by the City of Keller at the intersection of Mt. Gilead and Bourland Roads.](#)

**Attachments:** [011723 EmergencyWaterLineRepair\\_Resolution](#)  
[011723\\_EmergencyWaterLineRepair\\_StaffAttachment](#)

6. [Consider a resolution canceling the agreement approved by Resolution No. 4573 on October 4, 2022 with O&J Coatings, Inc. of Hurst, Texas, effective January 17, 2023.](#)

**Attachments:** [011723 PearsonContractCancelation\\_Resolution](#)

7. [Consider a resolution approving the construction bid from Peachtree Construction, of Fort Worth, Texas; for the 2022 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:** [011723 22StreetProject Resolution](#)  
[011723 22StreetProject ProjectMap](#)  
[011723 22StreetProject BidSummary](#)

## G. OLD BUSINESS - None

## H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving three Specific Use Permits \(SUPs\) for a detached accessory building on 2.83 acres located on the east side of Whitley Road, approximately 250 feet northeast from the intersection of Whitley Road and Harper Lane, legally described as Lot 1, Block A of Andrews Addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and Single-Family 8,400 square-foot lot size or greater \(SF-8.4\) and addressed 1621 Whitley Road. Nathan Olmstead, Owner/Applicant. \(SUP-22-0037\)](#)

**Attachments:** [011723 1621 Whitley SUP ORDINANCE](#)  
[011723 1621 Whitley SUP Staff Attachment](#)  
[011723 1621 Whitley SUP Maps](#)  
[Presentation - 1621 Whitley - Barn SUP](#)

2. [PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight - Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Zoning Districts, relating to supplemental regulations for fuel pumps; providing penalties; authorizing publication; and establishing an effective date. \(UDC-22-0013\)](#)

**Attachments:** [011723 UDC Amend Fuel Pumps ORDINANCE](#)  
[011723 UDC Amend Fuel Pumps Staff Attachment - Kroger Request Letter](#)  
[011723 UDC Amend Fuel Pumps Exhibit A](#)  
[011723 UDC Amend Fuel Pumps Staff Attachment \(Redline\)](#)  
[Presentation - UDC Amendment Fuel Pumps](#)

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for fuel pumps/sales as an accessory use to a grocery store on 6.6 acres located on the east side of Rufe Snow Drive, approximately 440 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, legally described as Lot 2R1, Block A of Keller Place Addition, zoned Retail \(R\) and addressed 2061 Rufe Snow Drive. Whitestone Keller Place, LLC, Owner; Kroger Texas - Richard Binkley, Applicant. \(SUP-22-0038\)](#)

**Attachments:** [011723 Kroger Fuel Station SUP ORDINANCE](#)  
[011723 Kroger Fuel Station SUP MAPS](#)  
[011723 Kroger Fuel Station SUP Staff Attachment](#)  
[011723 Kroger Fuel Station SUP Rendering](#)  
[011723 Kroger SUP Opposition Letters](#)  
[011723 Kroger SUP -Articles Submitted by Meadow Park Dr. residents](#)  
[011723 Kroger SUP-Photos Submitted by Kroger 011323](#)  
[Kroger 537 Rufe Snow Keller Letter to City Council](#)  
[Kroger 537 Keller TX Store Curfew Signage Design Package Proof 04](#)  
[011723 Kroger Fuel Station SUP Preliminary Site Plan](#)  
[011723 Petition Submitted by Meadow Park Dr. resident](#)  
[Item H3 Kroger Fuel Station SUP Presentation](#)

## **I. EXECUTIVE SESSION**

1. **Section 551.071, Texas Government Code - Consultation with Attorney; Closed Meeting. A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about:**
  - (a) pending or contemplated litigation: Meritage Homes of Texas, LLC VS. City of Keller, Texas
2. **Adjourn into Open Meeting.**
3. **Action on Executive Session Item 1 if necessary.**

## **J. ADJOURN**

**CITY OF KELLER  
MISSION STATEMENT**

*We commit to preserving a safe, informed and vibrant community of quality neighborhoods, thriving businesses and natural beauty by setting the standard for municipal engagement, collaboration, service and innovation.*

**CERTIFICATE**

*I hereby certify that the above notice is posted, per the Open Meetings Law, Texas Government Code, Chapter 551, on the official bulletin board at Keller Town Hall, 1100 Bear Creek Parkway, on Thursday, January 12, 2023 at 5:00 P.M.*

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Kelly Ballard, TRMC, CMC  
City Secretary

***Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the ADA Coordinator 48 hours in advance, at 817-743-4041, and reasonable accommodations will be made for assistance.***