



**City of Keller  
City Council  
Agenda Notes**

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

---

Tuesday, June 18, 2019

---

**COUNCIL MEMBER DINNER 5:00 P.M.**

**PRE-COUNCIL MEETING 5:30 P.M.**

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

**B. DISCUSS AND REVIEW AGENDA ITEMS**

**C. EXECUTIVE SESSION**

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

**D. WORK SESSION**

1. [Discuss appointing City Council Member\(s\) to serve on various Boards and Committees.](#)
2. [Budget Strategic Planning - Capital Improvement Projects and Outstanding Debt](#)
3. [Discuss amendments to the Unified Development Code \(UDC\) in relation to fences.](#)

**E. ADJOURN****REGULAR MEETING 7:00 P.M.****A. CALL TO ORDER – Mayor Pat McGrail****B. INVOCATION****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.

**F. CONSENT**

1. [Consider approval of the Minutes of the Tuesday, June 4, 2019 Regular City Council Meeting.](#)
2. [Consider a resolution appointing City Council Members to serve on various Boards and Committees.](#)
3. [Consider a resolution approving an Agreement for Engineering Services with Baird, Hampton & Brown of Grapevine, Texas; for the purpose of providing Phase 1 of the Master Drainage Plan for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)  
**The Master Drainage Plan was last updated in 1991 and should be updated about every 5 years. Additionally, a condition assessment of the drainage system has never been done. This Agreement is for Phase 1 of a 3 phase project. Phases 2 and 3 are included in the 5 year Capital Improvements Program.**
4. [Consider adoption of an ordinance authorizing the issuance and sale of Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019, to provide funds for water and sewer system improvements and for related issuance costs; levying an annual ad valorem tax for the payment of said certificates; approving an official statement; providing an effective date; and enacting other provisions relating to the subject.](#)

## G. OLD BUSINESS - None

## H. NEW BUSINESS

1. [Consider approving a resolution for variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 – Sign Regulations, specifically for seven additional attached wall signs for Braum’s Restaurant located on the south, east and west elevations, situated on approximately 1.458-acres of land on the north side of Keller Parkway, approximately 1000-feet northeast of Town Center Lane and Keller Parkway intersection, being Lot 1, Block A, Braum’s Addition, at 1221 Keller Parkway, and zoned Town Center \(TC\). Lora Martinson, Springfield Sign, applicant; Greenway – Keller LP, owner. \(UDC-19-0007\)](#)

Braum’s is proposing seven variances to the sign regulations. The Braum’s site (south elevation) fronts Keller Parkway, and may utilize up to 200 square-feet for signage. The West and East elevations are permitted to utilize up to 40 square-feet each.

Staff already approved other signs for Braum’s are as follows:

- 1.A “B” logo sign to be 28.71 SF on the east elevation.
  2. A “B” logo and “Braum’s” LED illuminated signs totaling 50.84 SF on the south elevation (Keller Parkway).
  3. A “Braum’s/Hamburgers” LED illuminated sign to be 37.07 SF on the west elevation.
  4. A 37.71 SF monument sign.
  5. Two, 39 SF Menu Board signs for each drive-thru.
2. [Consider a resolution approving Byrne Construction Services as the Construction Manager at Risk \(CMAR\) to manage the design cost and construction of a senior center for the Parks and Recreation Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Staff advertised for a Construction Manager at Risk (CMAR) as part of a two-piece sealed Request for Qualifications (RFQ) process. Eight companies responded and Byrne Construction Services was unanimously chosen as being the most qualified among the five staff members assigned to the selection committee. As required by State bidding laws, once Bryne was selected, their fee proposal was opened. The fees total \$293,394 for combined preconstruction and design cost oversight. Their actual construction phase fee will be established as part of the Guaranteed Maximum Price (GMP) that will be determined when the design is finalized based upon complexity and timeline.

3. [Consider acceptance of a Local Option Election Petition for the purpose of allowing the legal sale of all alcoholic beverages including mixed beverages.](#)

The petition was required to have 7,411 valid signatures which equals 35% of the registered voters who voted in the most recent gubernatorial election.

Tarrant County Elections Administration verified the petition and accepted 7,847 signatures as registered voters in the City of Keller.

4. [Consider a resolution calling a Special Local Option Election for Tuesday, November 5, 2019 for the purpose of considering "The legal sale of all alcoholic beverages including mixed beverages."](#)

On May 7, 2019, The City Secretary's Office received a petition requesting the City call a local option election to consider "The legal sale of all alcoholic beverages including mixed beverages."

Tarrant County Elections Administration verified that there were sufficient signatures to call a Local Option Election. The Texas Election Code Section 501.032 states that the governing body must order an election at the next regular meeting on or after the 30th day after the petition is submitted to the City.

5. [Consider an ordinance calling a Sales and Use Tax Election to be held in the City of Keller, Texas on November 5, 2019, to submit a proposition on the question of the reauthorization of a sales and use tax for street maintenance of one-fourth of one percent; making provisions for the conduct of the Election and providing for other matters related thereto; providing a cumulative clause; providing severability; providing publication; providing for engrossment and enrollment; and providing an effective date."](#)

This agenda item is calling the November 5th Sales and Use Tax Election for the reauthorization of the street maintenance local sales and use tax at a rate of one-fourth of one percent.

6. [Consider an ordinance approving a residential homestead property tax exemption increase of 2% for a total exemption of 12%, as authorized and defined by Section 11.13\(n\) of the Texas Property Tax Code in the City of Keller, Tarrant County, Texas; providing a penalty; and authorizing publication.](#)

The proposed ordinance would increase the exemption by 2% for a total of 12%. The proposed exemption would reduce the preliminary FY 2019-20 (Tax Year 2019) taxable residential homestead value from \$368,646 to \$361,273 or a taxable value reduction of \$7,373, based upon the Tarrant Appraisal District's May estimate. If approved, the exemption would be included in the Fiscal Year 2019-20 (Tax Year 2019) taxable value calculations.

## I. DISCUSSION – None

## J. EXECUTIVE SESSION

**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.**

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

**K. ADJOURN**

**CITY OF KELLER  
MISSION STATEMENT**

*Our mission is to support a vibrant community of high quality neighborhoods, thriving businesses and natural beauty by setting the standard for excellence in municipal efficiency, 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, June 13, 2019 at 5:00 P.M.*

---

Kelly Ballard, TRMC  
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.***