



City of Keller

City Council

Meeting Minutes

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

Mayor Pat McGrail called the Pre-Council Meeting to order at 5:31 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 Development Julie Smith, Director of Public Works Alonzo Linan, Police Chief Mike Wilson, and Fire Chief David Jones.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Executive Session was not held during the Pre-Council 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.

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.](#)

The City Council held a discussion relating to the following appointments of City Council Member(s) to serve on various Boards and Committees:

Keller Economic Development Board

1. Mayor Pat McGrail - Chair
2. Council Member Sheri Almond

Keller Development Corporation

1. Mayor Pat McGrail - Chair
2. Council Member Mitch Holmes
3. Council Member Sheri Almond
4. Council Member Tag Green

Finance Committee

1. Mayor Pat McGrail
2. Mayor Pro Tem Sean Hicks
3. Council Member Tag Green

Crime Control and Prevention District Board Liaison

1. Mayor Pat McGrail

Metroport Teen Court Advisory Board

1. Council Member Beckie Paquin

NCTCOG General Representative

1. Mayor Pat McGrail

Keller/Colleyville Municipal Court Committee

1. Mayor Pat McGrail
2. Council Member Mitch Holmes
3. Council Member Beckie Paquin

ADHOC Personnel Compensation Committee

1. Mayor Pro Tem Sean Hicks
2. Council Member Chris Whatley

2. [Budget Strategic Planning - Capital Improvement Projects and Outstanding Debt](#)

Director of Administrative Services Aaron Rector gave a presentation relating to Capital Improvement Projects and Outstanding Debt. Discussion was held by the City Council.

3. [Discuss amendments to the Unified Development Code \(UDC\) in relation to fences.](#)

Mayor Pat McGrail called the Pre-Council Meeting back to order at 8:02 P.M. in order to resume the Work Session discussion.

Community Development Director Julie Smith gave a presentation regarding amendments to the Unified Development Code relating to fences. Discussion was held by the City Council. The Planning and Zoning Commission will take action on this topic at their June 24, 2019 Regular Meeting.

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to adjourn the Work Session at 8:44 P.M. The motion carried unanimously.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:55 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 7:06 P.M.

B. INVOCATION

Pastor Scott Hall, Venture 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.

No public comments were received.

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 Chris Whatley, seconded by Council Member Mitch Holmes to approve the consent agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, June 4, 2019 Regular City Council Meeting.](#)

Approved

2. [Consider a resolution appointing City Council Members to serve on various Boards and Committees.](#)

Resolution No. 4127

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.](#)

Resolution No. 4128

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.](#)

Ordinance No. 1935

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. \(UDC-19-0007\)](#)

Director of Community Development Julie Smith gave a presentation relating to the amended request for two (2) additional signs.

Ms. Helen Pacione, Director of Real Estate for Braums, addressed the City Council regarding the proposal.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Resolution No. 4129 approving variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 – Sign Regulations, specifically for two additional attached wall signs for Braum’s Restaurant located on the west elevation above the drive-thru windows, 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) (UDC-19-0007) with the following variance:

1. Two (2) additional 9.90-square-foot signs to be located on the west side elevation above the drive-thru windows shall be allowed.

The motion carried unanimously.

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.](#)

Director of Public Services Cody Maberry gave a presentation relating to 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.

Mr. Martin Lehman, President, Byrne Construction Services, addressed the City Council

regarding the proposal.

Discussion was held by the City Council. Mayor Pro Tem Sean Hicks announced that he is not in support of the proposal due to the total cost of the senior center project.

A motion was made by Mayor Pat McGrail, seconded by Council Member Mitch Holmes, to approve Resolution No. 4130 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. The motion carried by the following vote:

AYE: Mayor Pat McGrail, Council Member Mitch Holmes, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Chris Whatley, and Council Member Tag Green

NAY: Mayor Pro Tem Sean Hicks

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

City Secretary Kelly Ballard gave a presentation and requested the City Council to accept the Local Option Petition containing sufficient signatures.

Council Member Tag Green stated that he was not in support of accepting the petition due to the manner in which the signatures were obtained.

A motion was made by Council Member Sheri Almond, seconded by Council Member Chris Whatley, to accept a Local Option Election Petition for the purpose of allowing the legal sale of all alcoholic beverages including mixed beverages. The motion carried by the following vote:

AYE: Mayor Pat McGrail, Council Member Mitch Holmes, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley

NAY: Council Member Tag Green

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."](#)

City Secretary Kelly Ballard gave a presentation relating to calling the Local Option Election for the legal sale of all alcoholic beverages including mixed beverages to be held on November 5, 2019.

A motion was made by Council Member Chris Whatley, seconded by Council Member Beckie Paquin, to approve Resolution No. 4131 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." The motion carried by the following vote:

AYE: Mayor Pat McGrail, Council Member Mitch Holmes, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley

NAY: Council Member Tag Green

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.](#)

City Secretary Kelly Ballard gave a presentation relating to calling the Special Sales and Use Tax Election for reauthorization of a sales and use tax for street maintenance of one-fourth of one percent to be held on November 5, 2019.

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Ordinance No. 1936 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." The motion carried unanimously.

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.](#)

Director of Administrative Services Aaron Rector gave a presentation relating to a residential homestead property tax exemption increase of 2% for a total exemption of 12%.

A motion was made by Council Member Chris Whatley, seconded by Council Member Sheri Almond, to approve Ordinance No. 1937 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 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.

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

Mayor Pat McGrail announced that the Regular Council meeting will adjourn, and the Work Session will resume shortly in the Pre-Council Chamber.

A motion was made by Council Member Tag Green, seconded by Council Member Mitch Holmes, to adjourn the Regular Meeting at 7:50 P.M. The motion carried unanimously.

Mayor

City Secretary