



# City of Keller

## City Council

### Meeting Minutes

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
[www.cityofkeller.com](http://www.cityofkeller.com)

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**Tuesday, July 2, 2019**

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#### **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 Regular Meeting to order at 5:37 P.M.

The following City Council Members were present:

Mayor Pat McGrail

Council Member Mitch Holmes

Mayor Pro Tem Sean Hicks (arrived at 6:15 P.M.)

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.

#### **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.

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**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. Adjourn into Open Meeting.**

**3. Action on Executive Session Item 1 if necessary.**

**D. WORK SESSION**

**1. [Budget Strategic Planning - Vehicle and Equipment Replacements](#)**

Director of Administrative Services Aaron Rector gave a presentation relating to Vehicle and Equipment Replacements.

**E. ADJOURN**

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:48 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 7:03 P.M.

**B. INVOCATION**

Pastor Kason Branch, Creekstone Church, 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. 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 Thursday, June 13, 2019 City Council Work Session.](#)

Approved

2. [Consider approval of the Minutes of the Tuesday, June 18, 2019 Regular City Council Meeting.](#)

Approved

3. [Consider a resolution adopting 45,090 as the official population as of January 1, 2019, for the City of Keller, Texas.](#)

Resolution No. 4132

## G. OLD BUSINESS - None

## H. NEW BUSINESS

1. [Consider a resolution approving a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts, to allow the installation of a six-foot \(6'\) wrought iron fence in the front yard, located on 1.9910-acres of land on the west side of Willis Lane, approximately 2,400-feet northwest of North Tarrant Parkway and Willis Lane intersection, being Lot 1, Block A, of the Hopkins Addition, at 1804 Willis Lane, and zoned SF-36 \(Single Family Residential - 36,000 square-foot lot size minimum\). Joseph Hopkins, owner/applicant. \(UDC-19-0011\)](#)

Director of Community Development Julie Smith gave a presentation relating to the request to allow the installation of a six-foot (6') wrought iron fence in the front yard at 1804 Willis Lane.

**A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Resolution No. 4133 approving a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts, to allow the installation of a six-foot (6') wrought iron fence in the front**

yard, located on 1.9910-acres of land on the west side of Willis Lane, approximately 2,400-feet northwest of North Tarrant Parkway and Willis Lane intersection, being Lot 1, Block A, of the Hopkins Addition, at 1804 Willis Lane, and zoned SF-36 (Single Family Residential - 36,000 square-foot lot size minimum) with the following variance:

1. To allow a 6' wrought-iron fence be installed across the front yard of the property.

The motion carried unanimously.

2. [Consider a resolution approving variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.07, Off-Street Parking and Loading Requirements, to allow an attached front facing garage be located in front of the main structure with a total of 240 square-feet of garage door exposure to the street, located on 1.9910-acres of land on the west side of Willis Lane, approximately 2,400-feet northwest of North Tarrant Parkway Willis Lane intersection, being Lot 1, Block A, of the Hopkins Addition, at 1804 Willis Lane, and zoned SF-36 \(Single Family Residential - 36,000 square-foot lot size minimum\). Joseph Hopkins, owner/applicant. \(UDC-19-0009\)](#)

Director of Community Development Julie Smith gave a presentation relating to the request to allow an attached front facing garage to be located in front of the main structure at 1804 Willis Lane.

A motion was made by Council Member Sheri Almond, seconded by Council Member Chris Whatley, to approve Resolution No. 4134 approving variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.07, Off-Street Parking and Loading Requirements, to allow an attached front facing garage be located in front of the main structure with a total of 240 square-feet of garage door exposure to the street, located on 1.9910-acres of land on the west side of Willis Lane, approximately 2,400-feet northwest of North Tarrant Parkway Willis Lane intersection, being Lot 1, Block A, of the Hopkins Addition, at 1804 Willis Lane, and zoned SF-36 (Single Family Residential - 36,000 square-foot lot size minimum) with the following variances:

1. To allow for an attached front facing garage addition up to 1,200 square-feet be located in front of the main structure.
2. To allow the garage door exposure to the street be 240 square-feet in lieu of the UDC maximum of 72 square-feet.

The motion carried unanimously.

3. [Consider a resolution approving an amendment 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 17-19, 2-3 Block G; Lots 19-21 & 23, Block D of Marshall Ridge Phase 1 South, a residential development consisting of 47 residential lots and 3 open space lots, located on approximately 25.166 acres of land, on the south side of Ridge Point Parkway, approximately 1,790 feet east of the North Main Street (U.S. HWY 377) and Ridge Point Parkway Intersection, and zoned Planned Development - Single Family Residential-15,000 square foot minimum (PD-SF-15). Meritage Homes of Texas, LLC, owner/applicant. (TB-18-0002)

Community Development Director Julie Smith gave a presentation relating to the request to allow advanced tree removal and lot grading for nine lots at Marshall Ridge Phase 1 South.

Mr. Brian Moody, Engineer, Kimley-Horn, and Mr. David Auginbaugh, Vice President of Land, Meritage Homes, addressed the City Council regarding the proposal.

**A motion was made by Council Member Tag Green, seconded by Council Member Mitch Holmes, to deny the request to allow advanced tree removal and lot grading for residential Lots 17-19, 2-3 Block G; Lots 19-21 & 23, Block D of Marshall Ridge Phase 1 South. The motion carried by the following vote:**

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

**NAY: Mayor Pro Tem Sean Hicks, and Council Member Sheri Almond.**

4. Consider a resolution approving an amendment 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).

Community Development Director Julie Smith gave a presentation relating to the request to allow advanced tree removal and lot grading for Gean Estates Phase 3.

Mr. Erik Hansen, LJA Engineering and Kyle Dickerson, Lennar Homes addressed the City Council regarding the proposal.

**A motion was made by Council Member Mitch Holmes, seconded by Mayor Pro Tem Sean Hicks, to amend and approve Resolution No. 4135 approving an amendment 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). The advanced lot grading and tree removal of 2,252.4 caliper-inches shall be mitigated by:

1. Upsizing 100 trees from three-inch caliper to five-inch caliper trees on 32 lots (200 caliper-inches); and
2. Adding 100, five-inch caliper trees on 41 lots (500 caliper-inches); and
3. Planting 242, three-inch caliper trees in open space in Gean Estates Phase 1 (726 caliper-inches); and
4. Utilizing the remaining 100.4 banked caliper-inches from Phase 1 and 2; and
5. Developer will provide additional trees for individual homeowners in Phase I to be planted no later than December 31, 2019. Remaining caliper-inches shall be mitigated by payment at \$150.00 per caliper-inch into the Tree Restoration Fund; and
6. Escrowing \$213,900 (for 1,426 caliper-inches) with the City of Keller to be refunded at the final approval of the 41st developed lot/home or when the final trees required by the Tree Mitigation Plan are planted; and
7. If 18 months from the effective date of the final acceptance of public improvements five (5) building permits have not been obtained, the escrowed funds would be forfeited to the City less any mitigated amount for the installation of trees; and
8. The Covenants, Conditions and Restrictions for Gean Estates shall include the requirements of the Tree Mitigation Plan as approved by the City.

The motion carried unanimously.

5. [Consider a resolution approving a Site Plan Amendment for the Keller Regional Adoption Center, a 9,884 square-foot animal shelter located within Keller Municipal Building on an approximately 6.731-acre tract of land, located on the west side of Rufe Snow Drive, situated 650 feet north of the Rufe Snow Drive and Bear Creek Parkway Intersection, being Lot 1R, Block 1, Public Safety Addition, at 330 Rufe Snow Drive, and zoned](#)

City-Owned Property (COP). City of Keller, owner/applicant. (SP-19-0009)

Community Development Director Julie Smith gave a presentation relating to the request for a Site Plan Amendment for the Keller Regional Adoption Center.

A motion was made by Council Member Chris Whatley, seconded by Council Member Sheri Almond, to approve Resolution No. 4136 approving a Site Plan Amendment for the Keller Regional Adoption Center, a 9,884 square-foot animal shelter located within Keller Municipal Building on an approximately 6.731-acre tract of land, located on the west side of Rufe Snow Drive, situated 650 feet north of the Rufe Snow Drive and Bear Creek Parkway Intersection, being Lot 1R, Block 1, Public Safety Addition, at 330 Rufe Snow Drive, and zoned City-Owned Property (COP) with the following conditions:

1. To allow the support columns of the shade structure to be made out of steel.
2. To allow the canopy of the shade structure to be made out of a combination of polyethylene and polyester fabric.

The motion carried unanimously.

#### **I. DISCUSSION – None**

#### **J. EXECUTIVE SESSION**

Mayor Pat McGrail recessed the Regular Meeting at 7:59 P.M.

Mayor Pat McGrail called the Regular Meeting back to order at 8:06 P.M. in order for 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. Adjourn into Open Meeting.**

#### **3. Action on Executive Session Item 1 if necessary.**

**K. ADJOURN**

Mayor Pat McGrail adjourned the Regular Meeting at 8:34 P.M.

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Mayor

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City Secretary

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