



City of Keller

City Council

Meeting Minutes

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

Tuesday, August 18, 2020

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Pat McGrail

Mayor Pat McGrail called the Pre-Council Meeting to order at 5:03 P.M.

The following City Council Members were present:

Mayor Pat McGrail

Council Member Mitch Holmes

Mayor Pro Tem Sean Hicks (attended by video conference)

Council Member Sheri Almond

Council Member Beckie Paquin

Council Member Tag Green

Council Member Chris Whatley was absent.

The following City staff members were present: City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Public Services Trina Zais, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Linan, Director of Human Resources Kandace Tappen-Lesley, Director of Community Development Julie Smith, Administrative Services Manager Sarah Hensley, Police Chief Bradley G. Fortune, and Fire Chief David Jones.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. WORK SESSION

1. [Receive an update from Tri-County Electric Cooperative](#)

Attachments: [081820 TRI COUNTY WS PRESENTATION](#)

Mayor Pat McGrail summarized the recent community issues with Tri-County Electric Cooperative relating to electricity outages affecting some Keller residents.

The following Tri-County Electric Cooperative representatives addressed the City Council:

Director of Community Affairs Ms. Lauren Baccus, Director of Engineering Mr. Darren Curry, Chief Operations Officer Mr. Wesley Scheets, and Chief Executive Officer/General Manager Mr. Darryl W. Shriver.

D. EXECUTIVE SESSION

Executive Session was not held during the Pre-Council Meeting.

1. **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. 1801 Rufe Snow

2. **Section 551.074, Texas Government Code - Personnel Matters.**

- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

- a. City Secretary

- b. City Manager

3. Adjourn into Open Meeting.

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

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:35 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail

Mayor Pat McGrail called the Regular City Council Meeting to order at 7:01 P.M.

B. INVOCATION

Pastor Sean Busse, Alliance Community Fellowship, 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. Each speaker will be allowed three (3) minutes to speak.

Mr. Todd Almond, 513 Ironwood, Hidden Lakes HOA President, and Mr. Gary Bruner, 1540 Hudnall Farms Road, expressed their concerns regarding the recent Tri-County Electricity Cooperative electricity outages.

Mr. G. Hazelwood, 8704 Buckner Lane, stated his desire for the City Manager to sign a Building Permit.

Mr. Greg Ballog, 3412 Meridian Drive, expressed his desire for the community to treat Tri-County Electric Cooperation with grace during this time.

F. CONSENT

The next order of business was for the City Council to consider the consent agenda items, which were deemed to need little to no discussion, and were acted upon as one business item.

A motion was made by Council Member Tag Green, seconded by Council Member Beckie Paquin, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, August 4, 2020 Regular City Council Meeting.](#)

Attachments: [080420 Minutes.pdf](#)

approved

2. [Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Keller Independent School District, for the funding of one full-time School Resource Officer and two less than full-time School Resource Officers, for the Keller Police Department.](#)

Attachments: [081820 School Resource Officer Resolution](#)
[081820 School Resource Officer Exhibit A](#)

Resolution No. 4275

3. [Consideration and action regarding a resolution approving the execution and delivery of a Financing Agreement with the Texas Water Development Board regarding the issuance of certificates of obligation by the city for water system improvements and related issuance costs, and approving the obligations of the city with respect to such agreement; and resolving other matters relating to the subject.](#)

Attachments: [Resolution Approving Finance Agreement v1](#)

Resolution No. 4276

4. [Consideration and action regarding a resolution directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for water and sewer system improvements and related issuance costs, and resolving other matters related to the subject.](#)

Attachments: [081820_NOI Resolution v3](#)

Resolution No. 4277

5. [Consider a resolution approving a professional services agreement with the Texas Coalition for Affordable Power \(TCAP\) and Gexa Energy's commercial electric service agreement for power to be provided on and after January 1, 2023; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [081820_TCAP-Resolution](#)
[081820_TCAP_Exhibit A PSA](#)
[081820_TCAP_Exhibit B CESA](#)

Resolution No. 4278

6. [Consider a resolution adopting the 2020 City of Keller Financial Management, Investment, Purchasing, and Fund Balance Policies as approved and recommended by the City of Keller Finance Committee.](#)

Attachments: [081820_Financial Policies Resolution](#)
[081820_Financial Management policy-2020 Prop](#)
[081820_Fund Balance Policy 2020 prop](#)
[081820_Investment Policy 2020 07 29 Keller Proposed](#)
[081820_Purchasing Policy 2020 prop](#)

Resolution No. 4279

7. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending June 30, 2020, and providing an effective date.](#)

Attachments: [081820_FY 20 Q3 Investment Report Resolution](#)
[081820_FY 20 Q3 Investment Report](#)

Resolution No. 4280

8. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending June 30, 2020, and providing an effective date.](#)

Attachments: [081820_FY 20 Q3 Financial Report Resolution](#)
[081820_FY 20 Q3 Financial Report](#)

Resolution No. 4281

G. OLD BUSINESS - None

H. NEW BUSINESS

1. PUBLIC HEARING: Consider an ordinance approving a rezone from Town Center (TC) to Town Center - Medical Overlay District, on an approximately 2.82-acre property, being Lot 5, Block B and Lot 10, Block B situated in Keller Town Center Addition, located on the south side of Keller Parkway, located 500-feet southwest from the intersection of Country Brook Drive and Keller Parkway, addressed as 1200 and 1220 Keller Parkway. City of Keller, Applicant. (Z-20-0004).

Attachments: [081820 TCM RezoneZ-20-0004 Ordinance1978](#)

[081820 TCM RezoneZ-20-0004 Maps](#)

[081820 TCM RezoneZ-20-0004 TCMEExpansion](#)

[Item H-1 - Medical Overlay Presentation](#)

Community Development Director Julie Smith gave a presentation relating to a request for a rezone from Town Center (TC) to Town Center - Medical Overlay District, at 1200 and 1220 Keller Parkway.

Mayor Pat McGrail opened the public hearing. No public comments were received.

A motion was made by Council Member Tag Green, seconded by Council Member Beckie Paquin, to close the public hearing. The motion carried unanimously.

Council Member Tag Green made a motion to deny and requested that The Planning and Zoning Commission and City staff work to bring the requested rezoning back after the public has had an opportunity to give input on the vision for Town Center, instead of rezoning the Town Center District one building at a time. The motion failed due to a lack of a second.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1978 approving a rezone from Town Center (TC) to Town Center - Medical Overlay District, on an approximately 2.82-acre property, being Lot 5, Block B and Lot 10, Block B situated in Keller Town Center Addition, located on the south side of Keller Parkway, located 500-feet southwest from the intersection of Country Brook Drive and Keller Parkway, addressed as 1200 and 1220 Keller Parkway. City of Keller, Applicant. (Z-20-0004). The motion carried by the following vote:

AYE: 5 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Beckie Paquin.

NAY: 1 - Council Member Tag Green.

2. PUBLIC HEARING: Consider an ordinance approving an amendment to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, Article Eight -Zoning Districts, Development Standards, Tree Preservation, by providing provisions to permit J-Swing garages in all zoning districts; providing penalties; providing

a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. (UDC-20-0004)

Attachments: [081820_JswingUDC-20-0004_Ordinance1979](#)

[081820_JswingUDC-20-0004_ExhibitA](#)

[Item H-2 - J-Swing Presentation](#)

Community Development Director Julie Smith gave a presentation relating to a request for an amendment to the UDC, by providing provisions to permit J-Swing garages in all zoning districts.

Mayor Pat McGrail opened the public hearing. No public comments were received.

A motion was made by Council Member Mitch Holmes, seconded by Council Member Sheri Almond, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Mitch Holmes, seconded by Council Member Sheri Almond, to approve Ordinance No. 1979 approving an amendment to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, Article Eight -Zoning Districts, Development Standards, Tree Preservation, by providing provisions to permit J-Swing garages in all zoning districts; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. (UDC-20-0004) The motion carried unanimously.

3. Consider approving a resolution for a mural at Kwik Kar Wash, located on Lot 1R, Block 1 of Mendez Addition, being 2.835-acre of 1655 Keller Parkway (FM 1709), located on the north side of Keller Parkway (FM 1709), and zoned Planned Development – Retail (PD-R). Dale Forbes, Owner/Applicant. Chris Gonzalez, Artist. (MUR-20-0001)

Attachments: [081820_Kwik Kar Mural Resolution4282](#)

[081820_Kwik Kar Mural ExhibitA Application, Copyright release and Image.pdf](#)

[081820_Kwik Kar Mural SupportPetition.pdf](#)

[Item H-3 - Kwik Mural](#)

Community Development Director Julie Smith gave a presentation relating to a request for a mural at Kwik Kar Wash at 1655 Keller Parkway.

A motion was made by Council Member Sheri Almond, seconded by Council Member Beckie Paquin, to approve Resolution No. 4282 for a mural at Kwik Kar Wash, located on Lot 1R, Block 1 of Mendez Addition, being 2.835-acre of 1655 Keller Parkway (FM 1709), located on the north side of Keller Parkway (FM 1709), and zoned Planned Development – Retail (PD-R). Dale Forbes, Owner/Applicant. Chris Gonzalez, Artist. (MUR-20-0001) The motion carried by the following vote:

AYE: 5 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Beckie Paquin.

NAY: 1 - Council Member Tag Green.

4. Consider a resolution of the City Council of the City of Keller, Texas, to consider a proposal to adopt a tax rate that will be lower than the no new revenue and voter-approval tax rates; and providing an effective date.

Attachments: [081820 Max Tax Rate Resolution 4283](#)

[Item H-4 - Max Tax Rate Presentation](#)

Director of Administrative Services Aaron Rector addressed the City Council regarding the maximum tax rate.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Resolution No. 4283 adopting a tax rate that will be lower than the no new revenue and voter-approval tax rates; and providing an effective date. The motion carried unanimously.

5. Consider adoption of an ordinance authorizing the issuance and sale of City Of Keller, Texas, General Obligation Refunding And Improvement Bonds, Series 2020; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving an official statement, authorizing the execution of a purchase agreement, and paying agent/registrar agreement; and enacting other provisions relating to the subject.

Attachments: [Ordinance GO Bond v2](#)

[Item H-5 - 2020 GO and GO Ref Presentation](#)

Director of Administrative Services Aaron Rector gave a presentation relating to the issuance and sale of City Of Keller, Texas, General Obligation Refunding And Improvement Bonds.

A motion was made by Mayor Pat McGrail, seconded by Council Member Tag Green, to approve Ordinance No. 1980 authorizing the issuance and sale of City Of Keller, Texas, General Obligation Refunding And Improvement Bonds, Series 2020; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving an official statement, authorizing the execution of a purchase agreement, and paying agent/registrar agreement; and enacting other provisions relating to the subject. The motion carried unanimously.

I. DISCUSSION – None**J. EXECUTIVE SESSION**

Mayor Pat McGrail recessed the Regular Meeting at 7:56 P.M. so that the City Council could conduct an Executive Session in accordance with State Law.

1. **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. **1801 Rufe Snow Drive.**

2. **Section 551.074, Texas Government Code - Personnel Matters.**

- (1) **to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;.**

- a. **City Secretary**

- b. **City Manager**

3. **Adjourn into Open Meeting.**

Mayor Pat McGrail called the Regular Meeting back to order at 10:25 P.M.

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

No action was taken.

K. ADJOURN

Mayor Pat McGrail adjourned the Regular City Council Meeting at 10:25 P.M.

Mayor

City Secretary