



City of Keller

City Council

Meeting Minutes

Tuesday, September 19, 2017

PRE-COUNCIL MEETING 5:00 P.M.

The following City Council Members were present:

Mayor Pat McGrail
Mayor Pro Tem Debbie Bryan
Council Member Armin Mizani
Council Member Ed Speakmon
Council Member Eric Schmidt
Council Member Chris Whatley (attended the meeting via teleconference)

Council Member Tag Green was absent.

Administrative personnel present were City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Administrative Services & Human Resources Carolyn Nivens, Director of Community Services Cody Maberry, Director of Public Services & Economic Development Trina Zais, Director of Public Works Alonzo Liñán, Director of Finance Aaron Rector, Director of Information Technology Sean Vreeland, Police Chief Mike Wilson, and Fire Chief David Jones.

A. CALL TO ORDER - Mayor Pat McGrail called the Pre-Council Meeting to order at 5:02 P.M.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Mayor Pat McGrail adjourned the meeting to Executive Session during the Pre-Council Meeting for the following purposes allowed in Chapter 551 of the Texas Government Code:

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. Johnson Road Coalition, LLC vs. David Hawkins, Planning Manager and City of Keller.

b. Meadows at Bear Creek Homeowners' Association Inc. vs. David Hawkins, Planning Manager and City of Keller.

3. Adjourn into Open Meeting.

The Pre-Council Meeting was called back to order by Mayor Pat McGrail.

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

No action was taken.

D. WORK SESSION

No work session items were scheduled.

E. ADJOURN

The Pre-Council Meeting was adjourned by Mayor Pat McGrail at 6:27 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail called the Regular Meeting to order at 7:03 P.M.

B. INVOCATION

Rev. Jim Chandler, Keller United Methodist Church gave the 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."

Mayor Pat McGrail led the pledges to the United States Flag and to the Texas Flag.

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.

1. Consider approval of the Minutes of the Tuesday, August 29, 2017 City Council Work Session.
A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve the Minutes of the Tuesday, August 29, 2017 City Council Work Session. The motion carried unanimously.
2. Consider approval of the Minutes of the Tuesday, September 5, 2017 Regular City Council Meeting.
A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve the Minutes of the Tuesday, September 5, 2017 Regular City Council Meeting. The motion carried unanimously.
3. Consider approval of the Minutes of the Tuesday, September 12, 2017 Special City Council Meeting.
A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve the Minutes of the Tuesday, September 12, 2017 Special City Council Meeting. The motion carried unanimously.
4. Consider a resolution approving the bid from Ferguson Waterworks of Tyler, Texas, for the purchase of water and sewer line parts, for the Water and Wastewater Division of the Public Works Department, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller.
A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3924 approving the bid from Ferguson Waterworks of Tyler, Texas, for the purchase of water and sewer line parts, for the Water and Wastewater Division of the Public Works Department, in the amount of \$223,651.39, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller. The motion carried unanimously.
5. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement

between the Cities of Keller, Southlake, Grapevine and Colleyville, Texas, for participation in the Metroport Teen Court Program, effective October 1, 2017.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3925 authorizing the City Manager to execute an Interlocal Agreement between the Cities of Keller, Southlake, Grapevine and Colleyville, Texas, for participation in the Metroport Teen Court Program, effective October 1, 2017. The motion carried unanimously.

6. Consider a resolution adopting and amending the City of Keller Fund Balance Policy as approved and recommended by the City of Keller Finance Committee.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3926 adopting and amending the City of Keller Fund Balance Policy as approved and recommended by the City of Keller Finance Committee. The motion carried unanimously.

7. Consider a resolution approving an agreement with Hardin & Associates Consulting, LLC (HAC), for the purpose of completing State-Mandated Customer Service Inspections of private water systems, and authorizing the City Manager to execute all contract documents on behalf of the City of Keller.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3927 approving an agreement with Hardin & Associates Consulting, LLC (HAC), for the purpose of completing State-Mandated Customer Service Inspections of private water systems, in the amount of \$100,000.00 and authorizing the City Manager to execute all contract documents on behalf of the City of Keller. The motion carried unanimously.

8. Consider a resolution approving an agreement for professional services with Peloton Land Solutions, of Fort Worth, Texas, for the purpose of providing engineering services, relating to sanitary sewer improvements along US Highway 377, and authorizing the City Manager to execute all contract documents.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3928 approving an agreement for professional services with Peloton Land Solutions, of Fort Worth, Texas, for the purpose of providing engineering services, relating to sanitary sewer improvements along US Highway 377, in the amount of \$122,500.00 and authorizing the City Manager to execute all contract documents. The motion carried unanimously.

G. OLD BUSINESS

1. Consider an ordinance approving a zoning change from SF-36 (Single Family-36,000 square-foot minimum) to PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum) for a proposed two (2) lot subdivision, located on an approximately 1.99-acre tract of land, being Lot 16R, Keller Heights North Addition, located on the east side of Bourland Road, approximately 110 feet south of La Vena Street, at 1117 Bourland Road. Ron Holifield, owner. Karen Mitchell, Karen Mitchell Planning Group, applicant. Texas Surveying, Inc., surveyor. (Z-17-0011)

Mayor Pat McGrail announced that the applicant has requested to table the agenda item to the October 17, 2017 Regular City Council Meeting.

A motion was made by Council Member Armin Mizani, seconded by Council

Member Ed Speakmon, to table the request for an ordinance approving a zoning change from SF-36 (Single Family-36,000 square-foot minimum) to PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum) for a proposed two (2) lot subdivision, located on an approximately 1.99-acre tract of land, being Lot 16R, Keller Heights North Addition, located on the east side of Bourland Road, approximately 110 feet south of La Vena Street, at 1117 Bourland Road, to the October 17, 2017 Regular City Council Meeting. The motion carried unanimously.

H. NEW BUSINESS

1. **PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) for Andy's Frozen Custard, a single story 2,909 square-foot drive-thru restaurant, located on a 1.14-acre lot, on the north side of Keller Parkway (FM1709), approximately two hundred sixty feet (260') east of the Pate-Orr Road and Keller Parkway (FM1709) intersection, being Lot 3R-1R5, Block 8, Bluebonnet Trails Addition, at 951 Keller Parkway (FM1709), and zoned TC (Town Center). Keller Square, LLC, owner. Aaron King, Andy's Frozen Custard, applicant. (SUP-17-0015)

Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for an ordinance approving a Specific Use Permit (SUP) for Andy's Frozen Custard, a single story 2,909 square-foot drive-thru restaurant, located on a 1.14-acre lot, on the north side of Keller Parkway (FM1709), approximately two hundred sixty feet (260') east of the Pate-Orr Road and Keller Parkway (FM1709) intersection, being Lot 3R-1R5, Block 8, Bluebonnet Trails Addition, at 951 Keller Parkway.

Mr. Aaron King, Andy's Frozen Custard, applicant, addressed the City Council regarding the proposal.

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

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1859 approving a Specific Use Permit (SUP) for Andy's Frozen Custard, a single story 2,909 square-foot drive-thru restaurant, located on a 1.14-acre lot, on the north side of Keller Parkway (FM1709), approximately two hundred sixty feet (260') east of the Pate-Orr Road and Keller Parkway (FM1709) intersection, being Lot 3R-1R5, Block 8, Bluebonnet Trails Addition, at 951 Keller Parkway (FM1709), and zoned TC (Town Center) with the following conditions:

1. **The condition for Andy's Frozen Custard to operate a drive-thru restaurant shall be allowed.**
2. **The variance for the building to be less than six thousand (6,000) square feet shall be allowed.**

The motion carried unanimously.

2. PUBLIC HEARING: Consider an ordinance approving certain amendments to the Fiscal Year 2016-17 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter.

Mr. Aaron Rector, Director of Finance, gave a presentation relating to a request for an ordinance approving certain amendments to the Fiscal Year 2016-17 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter.

Mayor Pat McGrail opened the Public Hearing. No public comments were received.

A motion was made by Council Member Eric Schmidt, seconded by Council Member Debbie Bryan, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Ed Speakmon, seconded by Council Member Debbie Bryan, to approve Ordinance No. 1860 approving certain amendments to the Fiscal Year 2016-17 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter. The motion carried unanimously.

3. PUBLIC HEARING: Consider an ordinance adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018, including the 2017-18 Capital Improvements Program, adopting the 2017-18 Utility Billing Rate schedule, and adopting the Fiscal Year 2017-18 Fee Schedule for the City of Keller, Texas.

Mr. Aaron Rector, Director of Finance, gave a presentation relating to a request for an ordinance adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018, including the 2017-18 Capital Improvements Program, adopting the 2017-18 Utility Billing Rate schedule, and adopting the Fiscal Year 2017-18 Fee Schedule for the City of Keller, Texas.

Mayor Pat McGrail opened the public hearing for agenda item H-3. No public comments were received.

A motion was made by Council Member Ed Speakmon, seconded by Council Member Eric Schmidt, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1861 adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018, including the 2017-18 Capital Improvements Program, adopting the 2017-18 Utility Billing Rate schedule, and adopting the Fiscal Year 2017-18 Fee Schedule for the City of Keller, Texas. The motion carried unanimously.

4. Consider a resolution ratifying the tax revenue for the Tax Year 2017 (Fiscal Year

2017-18) for the City of Keller, Texas.

Mr. Aaron Rector also gave a presentation relating to a resolution ratifying the tax revenue for the Tax Year 2017 (Fiscal Year 2017-18), and also a request for an ordinance levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2017 (Fiscal Year 2017-18).

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Resolution No. 3929 ratifying the 2017 (Fiscal Year 2017 18) property tax revenue as reflected in the adopted budget for Fiscal Year 2017 18 for the City of Keller, Texas. The motion carried unanimously.

5. Consider an ordinance levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2017 (Fiscal Year 2017-18).

A motion was made by Mayor Pro Tem Debbie Bryan, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1862 levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2017 (Fiscal Year 2017-18). 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. Johnson Road Coalition, LLC vs. David Hawkins, Planning Manager and City of Keller.

b. Meadows at Bear Creek Homeowners' Association Inc. vs. David Hawkins, Planning Manager and City of Keller.

3. Adjourn into Open Meeting.

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

K. ADJOURN

A motion was made by Council Member Eric Schmidt, seconded by Council Member Debbie Bryan, to adjourn the meeting at 8:30 P.M. The motion carried unanimously.

Mayor

City Secretary