



City of Keller

City Council

Meeting Minutes

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

Tuesday, October 1, 2019

COUNCIL MEMBER DINNER 4:30 P.M.

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Pro Tem Sean Hicks

Mayor Pro Tem Sean Hicks called the Pre-Council Meeting to order at 5:00 P.M.

The following City Council Members were present:

Mayor Pat McGrail (arrived at 6:50 P.M.)

Council Member Mitch Holmes

Mayor Pro Tem Sean Hicks

Council Member Sheri Almond

Council Member Chris Whatley

Council Member Tag Green

Council Member Beckie Paquin was absent.

The following City staff members were present: City Manager Mark Hafner, City Attorney Matt Butler, 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

Mayor Pro Tem Sean Hicks recessed the Pre-Council Meeting at 5:27 P.M. to allow 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.

a. **North Highway 377 Sewer and 1100 N. Main Street**

2. **Adjourn into Open Meeting.**

Mayor Pro Tem Sean Hicks reconvened the Pre-Council Meeting at 7:04 P.M.

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

No action was taken.

D. WORK SESSION

Work Session was held after the Regular City Council Meeting.

Mayor Pat McGrail called the Work Session to order at 8:58 P.M.

1. [Discuss dates for Boards and Commissions Interviews.](#)

City Secretary Kelly Ballard discussed the upcoming Boards and Commissions interviews. The City Council directed the City Secretary to schedule the interviews for Saturday, November 9, 2019.

2. [Receive a report on Economic Development Brokers Luncheon.](#)

Director of Public Services/Economic Development Trina Zais gave an update relating to the Economic Development Brokers Luncheon.

E. ADJOURN

Mayor Pro Tem Sean Hicks adjourned the Pre-Council Meeting at 7:04 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail

Mayor Pat McGrail called the Regular Council Meeting to order at 7:10 P.M.

B. INVOCATION

Pastor Kyle Davison, Bear Creek Bible Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

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

1. [Proclamation - Fire Prevention Week](#)

Attachments: [Fire.Prevention.Week.pdf](#)

Mayor Pat McGrail presented a proclamation to Fire Chief David Jones and Fire Marshal Debra Crafton proclaiming October 6-12, 2019 as Fire Prevention Week.

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.

Ms. Vera Sweet, 328 Park North Lane, expressed her concerns with disagreements among the City Council members, and also requested that the volume in the Council Chambers be checked.

Mr. Brian Campbell, 1201 Johnson Road, expressed his concerns regarding the Tarrant Appraisal District (TAD) process of electing directors to their board.

Mr. Bob Stephenson, 904 Keller Smithfield Road South, discussed mixed-use developments, a potential mixed-use on Hwy 377 North, and also his review of the Lakeside Development in Flower Mound.

Mr. Mujeeb Kazi, 1933 Eagle Pass, expressed his concerns with human rights violations in Kashmir.

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 Tag Green, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, September 3, 2019 Regular City](#)

Council Meeting.

Attachments: [090319 Minutes.pdf](#)

Approved

2. [Consider approval of the Minutes of the Tuesday, September 17, 2019 Regular City Council Meeting.](#)

Attachments: [091719 Minutes.pdf](#)

Approved

3. [Consider a resolution adopting the HART InterCivic Verity System version 2.3.1 as the voting system to be used for all forms of voting in the City of Keller.](#)

Attachments: [100119 Voting System Adoption Resolution 4162](#)

Resolution No. 4171

4. [Consider a resolution approving the purchase of one \(1\) replacement Case 521G front-end loader from Associated Supply Company, Inc. of Euless, Texas, through the BuyBoard Cooperative Purchasing Program; and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.](#)

Attachments: [100119 Front-Loader Equipment Resolution 4163](#)
[100119 Front-Loader Buyboard Quote](#)

Resolution No. 4163

5. [Consider a resolution approving the purchase of one \(1\) replacement hydro-excavation and vacuum trailer from Vermeer Texas-Louisiana of Irving, Texas through the Buyboard Cooperative Purchasing Program and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.](#)

Attachments: [100119 Vac-Tron Equipment Resolution 4164](#)
[100119 Vac-Tron City of Keller VacTron invoice LP873SDT](#)

Resolution No. 4164

6. [Consider a resolution approving the purchase of one \(1\) replacement Vac-Con hydro-excavation and vacuum truck from Houston Freightliner of Houston, Texas, through the Houston-Galveston Area Council \(HGAC\) Purchasing Cooperative; and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.](#)

Attachments: [100119 VacConTruck Resolution 4165](#)
[100119 VacConTruck Contract](#)
[100119 VacConTruck Invoice](#)

Resolution No. 4165

7. [Consider a resolution approving the purchase of one \(1\) Dodge Ram 4500 Heavy-Duty chassis and for the refurbishment and remounting of an existing ambulance module, for the Fire Department, through the Houston-Galveston \(H-GAC\) Cooperative Purchasing](#)

Program, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [100119_Medic_Remount_Resolution_4166](#)
[100119_Medic_Remount_Quote_Staff_Attachment](#)
[FD Ambulance Presentation](#)

Resolution No. 4166

8. Consider a resolution approving the purchase of Incode 10 financial software from Tyler Technologies and authorizing the City Manager to execute all purchasing documents related thereto.

Attachments: [100119_Incode_Resolution_4167](#)
[100119_Incode_Finance_Exhibit_A](#)

Resolution No. 4167

9. Consider a resolution approving the purchase and installation of a replacement playground structure for Bear Creek Park, from Total Recreation Products, Inc. of Cypress, Texas, through the Texas Association of School Boards (TASB) BuyBoard Cooperative Purchasing Program, for the Parks and Recreation Department; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [100119_BCP_Bridge_Playground_Resolution_4168](#)
[100119_BCP_Bridge_Playground_Exhibit_A_Quote](#)
[100119_BCP_Bridge_Playground_Exhibit_B_View_1](#)
[100119_BCP_Bridge_Playground_Exhibit_C_View_2](#)
[100119_BCP_Bridge_Playground_Exhibit_D_Drawing](#)
[100119_BCP_Bridge_Playground_Grant_Certificate](#)
[F-9 Playground Replacement Presentation](#)

Resolution No. 4168

10. Consider a resolution approving the purchase and installation of a replacement Indoor Pool Slide, from SplashTacular Waterslides and Waterpark Attractions, of Paola, Kansas, for The Keller Pointe Recreation and Aquatic Center; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [100119_TKPIndoorPoolSlide_Resolution 4169](#)
[100119_TKPIndoorPoolSlide_2004SplashtacularCertificationLetter](#)
[100119_TKPIndoorPoolSlide_2004SplashtacularShopDrawings](#)
[100119_TKPIndoorPoolSlide_TMLInspectionReport2019](#)
[100119_TKPIndoorPoolSlide_TMLActionPlanRequestEmail](#)
[100119_TKPIndoorPoolSlide_EngineerInspectionReport](#)
[100119_TKPIndoorPoolSlide_SplashtacularMaintenanceProposal](#)
[100119_TKPIndoorPoolSlide_SplashtacularNewSlideProposal](#)
[100119_TKPIndoorPoolSlide_TMLKellerPointeActionPlan2019](#)
[F-10 IDP Slide Replacement Presentation](#)

Resolution No. 4169

G. NEW BUSINESS

1. [Consider a resolution approving a variance to the Unified Development Code, Section 8.07 \(C\), Garage Requirements in Residential Zoning Districts, to allow two variances, one for a front facing garage and for the garage door to exceed seventy-two square-feet, this property is located on 0.913-acre lot, on the south side of Bear Creek Parkway, being Lot 34A, Block 3, Bear Creek Estates, at 501 Elaine Street \(Account # 04541243\), and zoned Single Family Residential - 36,000 square-foot lot size minimum \(SF-36\). David Rich, applicant. David and Delia Rich, owners. \(UDC-19-0018\)](#)

Attachments: [100119_RichGarageUDC-19-0018_Resolution 4170](#)
[100119_RichGarageUDC-19-0018_Maps](#)
[100119_RichGarageUDC-19-0018_ExhibitA\(1of2\)](#)
[100119_RichGarageUDC-19-0018_ExhibitA\(2of2\)](#)
[G-1 501 Elaine St Presentation](#)

Community Development Director Julie Smith gave a presentation relating to the request for variances to the Unified Development Code at 501 Elaine Street in regards to a garage.

Mr. David Rich, applicant, addressed the City Council regarding the proposal.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to approve Resolution No. 4170 approving a variance to the Unified Development Code, Section 8.07 (C), Garage Requirements in Residential Zoning Districts, to allow two variances, one for a front facing garage and for the garage door to exceed seventy-two square-feet, this property is located on 0.913-acre lot, on the south side of Bear Creek Parkway, being Lot 34A, Block 3, Bear Creek Estates, at 501 Elaine Street (Account # 04541243), and zoned Single Family Residential - 36,000 square-foot lot size minimum (SF-36) with the following conditions:

1. **The variance to allow for an attached front-facing garage addition up to 753**

square-feet located in front of the main structure shall be allowed.

2. The variance to allow the garage door exposure to the street be 112 square-feet in lieu of the UDC maximum of 72 square-feet shall be allowed.

The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving an amendment to the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by removing 'minor medical emergency clinic' use in the Town Center \(TC\) Zoning District and modifying, Article 8 - Zoning-Districts, Development Standards, Tree Preservation; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-19-0016\)](#)

Attachments: [100119 UDC Amend-Town Center Medical Ordinance](#)
[100119 UDC Amend-Town Center Medical Exhibit A](#)
[G-2 UDC Text Presentation](#)

Community Development Director Julie Smith gave a presentation relating to the request to remove 'minor medical emergency clinic' use in the Town Center (TC) Zoning District.

Mayor Pat McGrail opened the public hearing.

The following individuals spoke in opposition to the proposal: Mr. Jonathan Vinson, 6342 Vickery Blvd. Dallas, Texas; Mr. Matt Flory, 305 Country Manor; and Mr. Corey Wiskow, 609 San Clemente.

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to close the public hearing. The motion carried by the following vote:

YEA: Mayor Pat McGrail, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, Council Member Chris Whatley, and Council Member Tag Green.

NAY: Council Member Mitch Holmes.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to deny the proposal. The motion carried by the following vote:

YEA: Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Chris Whatley.

NAY: Council Member Tag Green.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Palafox Roofing Systems, an existing "Contractor Shop," located on an approximately 1.402-acre tract of land, on the south side of Golden Triangle Boulevard and approximately 300 feet southwest of the intersection of Golden Triangle Boulevard and](#)

[Sports Parkway, being Billingsley Jesse Survey, Abstract 70, Tract 7 & 7F2, at 133 Sports Parkway, Suite E, Account \(#: 05686490\), and zoned Commercial \(C\). David Palafox, Applicant. Tamara Thomas, Property Owner. \(SUP-19-0019\)](#)

Attachments: [100119_PalafoxRoofingSUP-19-0019_Ordinance 1951](#)
[100119_PalafoxRoofingSUP-19-0019_ExhibitA](#)
[100119_PalafoxRoofingSUP-19-0019_Maps](#)
[100119_PalafoxRoofingSUP-19-0019_StaffAttachment\(1of2\)](#)
[100119_PalafoxRoofingSUP-19-0019_StaffAttachmnet\(2of2\)](#)
[G-3 Palafox Presentation](#)

Community Development Director Julie Smith gave a presentation relating to the request for a Specific Use Permit for Palafox Roofing Systems at at 133 Sports Parkway, Suite E.

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

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Chris Whatley, to close the public hearing. The motion carried by unanimously.

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Sean Hicks, to approve Ordinance No. 1951 approving a Specific Use Permit (SUP) for Palafox Roofing Systems, an existing “Contractor Shop,” located on an approximately 1.402-acre tract of land, on the south side of Golden Triangle Boulevard and approximately 300 feet southwest of the intersection of Golden Triangle Boulevard and Sports Parkway, being Billingsley Jesse Survey, Abstract 70, Tract 7 & 7F2, at 133 Sports Parkway, Suite E, Account (#: 05686490), and zoned Commercial (C). The motion carried unanimously.

H. OLD BUSINESS

1. [PUBLIC HEARING: Consider an ordinance replacing the City of Keller Land Use Element of the Keller Master Plan, adopted by Resolution No. 1051, dated August 31, 1998; bringing into conformance with state and federal laws and professional best practices; providing a conflicting ordinance clause; authorizing publication; and establishing an effective date.](#)

Attachments: [100119_FLUP_ProposedOrdinance](#)
[100119_Proposed FLUP UPDATE_Exhibit A](#)
[Item H-1 Presentation](#)

Mayor Pro Tem Sean Hicks gave a summary of the discussion that took place in the Pre-Council Meeting regarding the Future Land Use Plan update. The City Council will conduct a public hearing, and then continue the public hearing and action on the Agenda Item at the November 5, 2019 Regular Council Meeting.

Mayor Pat McGrail opened the public hearing.

The following individuals expressed their concerns with the proposed Future Land Use

Plan update: Ms. Mary Jo Polidore, 1905 Kingsbridge Lane; Mr. Tim Stapula, 1970 Lewis Crossing Drive; Mr. David Tashman, 1705 Everest; Ms. Debbie Wolfe, 1285 Mount Gilead Road; Mr. Robert Pursell, 1800 Lewis Crossing Drive; Ms. Francis Di Carol, 512 Bristol Hill; Mr. Jesse Anderson, 1004 Spanish Trail; Ms. Gloria Brock, 208 Park Place Court; Mr. David Bradley, 1045 Sunrise Drive; Ms. Linda Taylor, 1201 Bourland Road; Ms. Deborah Bryan, 760 Mount Gilead Road; and Ms. Joan Boyle, 1262 Oak Hill Road.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Chris Whatley, to continue the public hearing and table the agenda item to the November 5, 2019 Regular City Council Meeting. The motion carried unanimously.

I. DISCUSSION – None

J. EXECUTIVE SESSION

Mayor Pat McGrail recessed the Regular Council Meeting at 8:54 P.M. to allow the City Council to resume the Work Session and 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.

a. North Highway 377 Sewer and 1100 N. Main Street

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

3. Adjourn into Open Meeting.

Mayor Pat McGrail adjourned the Executive Session and reconvened the Regular City Council Meeting at 9:45 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 Council Meeting at 9:45 P.M.

Mayor

City Secretary