



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 16, 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 5:07 P.M.

The following City Council Members were present:

Mayor Pat McGrail
Council Member Mitch Holmes
Council Member Sheri Almond
Council Member Beckie Paquin
Council Member Tag Green

Mayor Pro Tem Sean Hicks and Council Member Chris Whatley were 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 Liñán, 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. EXECUTIVE SESSION

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

D. WORK SESSION

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

Attachments: [D-1 CIP and Debt Presentation](#)

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

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:24 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 7:02 P.M.

B. INVOCATION

Bishop Rustin Floyd, Keller 3rd Ward, The Church of Jesus Christ of Latter Day Saints, 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

1. [Current Policing Issues - Chief Bradley G. Fortune.](#)

Attachments: [KPD Presentation](#)

Police Chief Bradley G. Fortune gave a presentation relating to current policing issues, and presented a Keller Police Department Certificate of Recognition to Mr. Charles Banks and Mr. Myles Britton for their work with the recent peaceful protest.

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. Eric Schmidt, 1104 Manor Way, addressed the City Council regarding the proposed contract with Kimley-Horn for the Old Town Keller East project.

Mr. Scott Forbes, 1655 Keller Parkway, Keller Kwik Kar, addressed the City Council regarding a mural that was painted on the side of the business' building.

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.

Council Member Mitch Holmes requested that Agenda Item F-5 be considered separate from the consent agenda.

A motion was made by Council Member Tag Green, seconded by Council Member Sheri Almond, to approve the Consent Agenda Items 1-4, 6-14, and to consider Consent Agenda Item 5 as a separate item. The motion carried unanimously.

1. [Consider approval of the Minutes of the Wednesday, May 27, 2020 Special City Council Meeting.](#)

Attachments: [052720 Minutes.pdf](#)

Approved

2. [Consider approval of the Minutes of the Tuesday, June 2, 2020 Regular City Council Meeting.](#)

Attachments: [060220 Minutes.pdf](#)

Approved

3. [Consider a resolution confirming the selection by Judge Sara Jane del Carmen of Jacey Hornecker as Associate Judge of the City of Keller Municipal Court, effective June 16, 2020.](#)

Attachments: [061620 Judge Hornecker Resume](#)

[061620 Associate Judge Resolution](#)

Resolution No. 4248

4. [Consider a resolution approving Change Order No. 5 to the contract for construction of the Water System Capital Improvements Plan - Phase 1 project with North Texas Contracting, Inc. and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [061620 Water System Capital Improvements Resolution](#)

[061620 Water System Capital Improvements Location Map](#)

[061620 Water System Capital Improvements Exhibit A](#)

Resolution No. 4249

5. [Consider a resolution approving an agreement for professional services with Kimley-Horn of Fort Worth, Texas, for the purpose of providing design and engineering services for the Old Town Keller Phase II Project; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [061620 OTK PH II Step 1 Resolution](#)

[061620 OTK PH II Step 1 Exhibit A](#)

Administrative Services Manager Sarah Hensley gave a presentation relating to an agreement for professional services with Kimley-Horn of Fort Worth, Texas, for the purpose of providing design and engineering services for the Old Town Keller Phase II Project. Discussion was held by the City Council.

A motion was made by Council Member Mitch Holmes, seconded by Council Member Tag Green, to approve Resolution No. 4250 approving an agreement for professional services with Kimley-Horn of Fort Worth, Texas, for the purpose of

providing design and engineering services for the Old Town Keller Phase II Project; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously.

6. [Consider a resolution approving the purchase of four \(4\) Police Chevy 2020 Tahoes through Enterprise Fleet Management as part of the FY 2020-21 Vehicle Replacement program and authorizing the City Manager to execute all related purchasing documents on behalf of the City of Keller, Texas.](#)

Attachments: [061620 FY 21 Tahoe Purchase Resolution](#)

Resolution No. 4251

7. [Consider a resolution rejecting the proposal for Fire Station #2 Fire Line Replacement and authorizing the City Manager to re-advertise the request for proposals on behalf of the City of Keller, Texas.](#)

Attachments: [061620 ProposalRejection Resolution](#)
[061620 ProposalRejection BidTabulation](#)

Resolution No. 4252

8. [Consider a resolution authorizing the Mayor to enter into an agreement for participation with Tarrant County's Community Development Block Grant, Home Investment Partnership and Emergency Solutions Grant Consortium for the three program year period, Fiscal Year 2021 through Fiscal Year 2023.](#)

Attachments: [061620 Tarrant Co. Comm Dev. Block Grant Resolution.](#)

Resolution No. 4253

9. [Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Street Right of Way and Temporary Construction Easement at 101 Bear Creek Pkwy, W.J. Holland Survey, Abstract No. 692, Lot 1, Block A, Bland Square Addition as necessary for the Bear Creek Parkway and Elm Street/Whitley Road Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [061620 BCP-Whitley RA Eminent Domain 101 BCP RESOLUTION](#)
[061620 BCP-Whitley RA Eminent Domain 101 BCP Exhibit A - ROW](#)
[061620 BCP-Whitley RA Eminent Domain 101 BCP Exhibit B - TCE](#)
[061620 BCP-Whitley RA Eminent Domain 101 BCP Property Index Map](#)
[061620 BCP-Whitley RA Eminent Domain 101 BCP Properties List](#)

Resolution No. 4254

10. [Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Pedestrian Access Easement and Temporary Construction Easement at 125 Bear Creek Pkwy, W.J. Holland Survey, Abstract No. 692, Lot 1, Block A, Bland Square Addition as necessary the for Bear Creek Parkway and Elm Street/Whitley Road](#)

Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [061620 BCP-Whitley RA Eminent Domain 125 BCP RESOLUTION](#)
[061620 BCP-Whitley RA Eminent Domain 125 BCP Exhibit A - Ped](#)
[Access Easement](#)
[061620 BCP-Whitley RA Eminent Domain 125 BCP Exhibit B -](#)
[TCE](#)
[061620 BCP-Whitley RA Eminent Domain 125 BCP Property Index](#)
[Map](#)
[061620 BCP-Whitley RA Eminent Domain 125 BCP Property List](#)

Resolution No. 4255

11. Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Street Right of Way and Temporary Construction Easement at 180 Bear Creek Pkwy, S. Needham Survey, Abstract No. 1171, Lot 2, Block A, Bear Creek 97 as necessary the for Bear Creek Parkway and Elm Street/Whitley Road Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [061620 BCP-Whitley RA Eminent Domain 180 BCP RESOLUTION](#)
[061620 BCP-Whitley RA Eminent Domain 180 BCP Exhibit A -](#)
[ROW](#)
[061620 BCP-Whitley RA Eminent Domain 180 BCP Exhibit B - TCE](#)
[061620 BCP-Whitley RA Eminent Domain 180 BCP Property Index](#)
[Map](#)
[061620 BCP-Whitley RA Eminent Domain 180 BCP Properties List](#)

Resolution No. 4256

12. Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Street Right of Way and Temporary Construction Easement at 700 Whitley, Jesse Doss Survey, Abstract No. 441, Lot 3, Block A, Airweighs Field as necessary for the Bear Creek Parkway and Elm Street/Whitley Road Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [061620 BCP-Whitley RA Eminent Domain 700](#)
[Whitley RESOLUTION](#)
[061620 BCP-Whitley RA Eminent Domain 700 Whitley Exhibit A -](#)
[ROW](#)
[061620 BCP-Whitley RA Eminent Domain 700 Whitley Exhibit B](#)
[TCE](#)
[061620 BCP-Whitley RA Eminent Domain 700 Whitley Property](#)
[Index Map](#)
[061620 BCP-Whitley RA Eminent Domain 700 Whitley Properties](#)
[List](#)

Resolution No. 4257

13. Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Drainage Easement at 710 Whitley, W.J. Holland Survey, Abstract No. 692, Lot 2R, Block A, Airweighs Field as necessary for the Bear Creek Parkway and Elm

Street/Whitley Road Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [061620 BCP-Whitley RA Eminent Domain 710 Whitley RESOLUTION](#)
[061620 BCP-Whitley RA Eminent Domain 710 Whitley Exhibit A - DE](#)
[061620 BCP-Whitley RA Eminent Domain 710 Whitley Property Index Map](#)
[061620 BCP-Whitley RA Eminent Domain 710 Whitley Properties List](#)

Resolution No. 4258

14. Consider a resolution authorizing the use of the power of Eminent Domain to acquire Permanent Street Right of Way, Permanent Sidewalk Dedication and Temporary Construction Easement at 501 Whitley, W J Holland Survey, Abstract 692, Warranty Deed to Jack Brock Builder, Inc. as necessary for the Bear Creek Parkway and Elm Street/Whitley Road Roundabout Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

Attachments: [061620 BCP-Whitley RA Eminent Domain 501 Whitley RESOLUTION](#)
[061620 BCP-Whitley RA Eminent Domain 501 Whitley Exhibit A - ROW](#)
[061620 BCP-Whitley RA Eminent Domain 501 Whitley Exhibit B - Sidewalk Dedication](#)
[061620 BCP-Whitley RA Eminent Domain 501 Whitley Exhibit C - TCE](#)
[061620 BCP-Whitley RA Eminent Domain 501 Whitley Property Index Map](#)
[061620 BCP-Whitley RA Eminent Domain 501 Whitley Properties List](#)

Resolution No. 4259

G. OLD BUSINESS - None

H. NEW BUSINESS

1. Consider a resolution approving a Chapter 380 Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Albert "Trey" Grant III of The Well Church Keller, owner of property located at 129 Pecan Street, Keller, TX 76248 for a City of Keller Façade Improvement Matching Grant.

Attachments: [061620 The Well Church of Keller Resolution](#)
[061620 Exhibit A \(Chapter 380 Agreement\) The Well Church of Keller](#)
[061620 Exhibit A.2 \(FIG Application\) 129 Pecan Street The Well Church](#)
[061620 Exhibit A.3 \(Resolution No. 4037\)](#)
[H-1 129 Pecan St. Presentation](#)

Director of Public Services/Economic Development Trina Zais gave a presentation relating to a request for a Façade Improvement Matching Grant with The Well Church at 129 Pecan Street.

Mr. Trey Grant, Pastor, The Well Church, addressed the City Council regarding the proposal.

A motion was made by Council Member Mitch Holmes, seconded by Council Member Beckie Paquin, to approve Resolution No. 4260 approving a Chapter 380 Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Albert "Trey" Grant III of The Well Church Keller, owner of property located at 129 Pecan Street, Keller, TX 76248 for a City of Keller Façade Improvement Matching Grant. The motion carried unanimously.

2. [Consider a resolution approving a Site Plan with two variances for Specs, located on a 1.712-acre property, located on the east side of Keller Smithfield Road, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being a portion of Tract 3A12, Abstract 424, Dunham, J A Survey, zoned Town Center \(TC\), and addressed as 100 Chandler Road \(Account#:03853381\). John McClure, McClure Partners, Applicant; Greenway-Keller, L.P., Owner. \(SP-20-0015\)](#)

Attachments: [061620 Specs SP_ProposedResolution](#)

[061620 Specs SP_Maps.pdf](#)

[061620 Specs SP_Exhibit A-SitePlan](#)

[H-2 Specs Presentation](#)

Planner I Katasha Smithers gave a presentation relating to a Site Plan with two variances for Specs, at 100 Chandler Road.

A motion was made by Mayor Pat McGrail, seconded by Council Member Sheri Almond, to approve Resolution No. 4261 approving a Site Plan with two variances for Specs, located on a 1.712-acre property, located on the east side of Keller Smithfield Road, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being a portion of Tract 3A12, Abstract 424, Dunham, J A Survey, zoned Town Center (TC), and addressed as 100 Chandler Road (Account#:03853381), with the following variances:

1. Applicant shall utilize live-screening in lieu of the masonry screening wall around the loading area.
2. Applicant shall utilize live-screening wall around the ground-mounted utility unit.

The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by providing provisions to permit murals on private property/businesses and modifying,](#)

[Article Three - Definitions and Article 8 - Zoning Districts, Development Standards, Tree Preservation; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. \(UDC-20-0002\)](#)

Attachments: [061620 UDC Amend_ProposedOrdinance](#)
[061620 UDC Amend_Exhibit A.pdf](#)
[H-3 Private Murals Presentations](#)

Director of Public Services/Economic Development Trina Zais gave a presentation relating to amendments to the City of Keller Unified Development Code (UDC), by providing provisions to permit murals on private property/businesses.

Mayor Pat McGrail opened the Public Hearing. Mr. Scott Forbes, 1655 Keller Parkway, Keller Kwik Kar, answered questions from the City Council regarding a mural on the side of the business' building.

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

A motion was made by Council Member Tag Green, seconded by Council Member Beckie Paquin, to approve Ordinance No. 1972 approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by providing provisions to permit murals on private property/businesses and modifying, Article Three - Definitions and Article 8 - Zoning Districts, Development Standards, Tree Preservation; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date, to include the following amendments: removing the phrase "any other permanent surface", adding an artist's waiver of rights to the application process, relating to the Visual Artist's Rights Act of 1990, and for "Murals" to be added to the Retail Zoning District. The motion carried by the following vote:

YEA: 4 - Council Member Mitch Holmes, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Tag Green.

NAY: 1 - Mayor Pat McGrail.

4. [Consider an ordinance approving a residential homestead property tax exemption increase of 2% for a total exemption of 14%, 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.](#)

Attachments: [061620 Homestead Exemption Ordinance](#)
[H-4 Homestead Presentation](#)

Director of Administrative Services Aaron Rector gave a presentation relating to approving a residential homestead property tax exemption increase of 2% for a total exemption of 14%.

A motion was made by Council Member Sheri Almond, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1973. The motion carried unanimously.

5. [Consider an ordinance amending the City of Keller Code of Ordinances by amending Chapter 7, Citywide Solid Waste Collection and Recycling Services, by deleting Chapter 7, Citywide Solid Waste Collection and Recycling Services in its entirety, and adding a new Chapter 7, Citywide Solid Waste Collection and Recycling Services; providing a severability clause; providing a penalty; authorizing publication; and establishing an effective date.](#)

Attachments: [061620 Solid Waste Code Amend Ordinance](#)
[061620 H-5 and H-6 Solid Waste Presentation](#)
[061620 Solid Waste Code Amend Exhibit A](#)

Administrative Services Manager Sarah Hensley gave a presentation relating to amending the City of Keller Code of Ordinances, Chapter 7, Citywide Solid Waste Collection and Recycling Services, by deleting Chapter 7, Citywide Solid Waste Collection and Recycling Services in its entirety, and adding a new Chapter 7, Citywide Solid Waste Collection and Recycling Services; and the proposed franchise agreement with Community Waste Disposal, of Dallas, Texas, providing for Citywide Solid Waste Collection and Recycling Services, for a term of five (5) years beginning September 1, 2020 and terminating August 31, 2025, with one (1) five-year renewal option.

Mr. Greg Roemer, Community Waste Disposal, addressed the City Council regarding the proposal.

Council Member Tag Green asked for the recycling container cleaning language to be added to the contract.

A motion was made by Council Member Sheri Almond, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1974 amending the City of Keller Code of Ordinances by amending Chapter 7, Citywide Solid Waste Collection and Recycling Services, by deleting Chapter 7, Citywide Solid Waste Collection and Recycling Services in its entirety, and adding a new Chapter 7, Citywide Solid Waste Collection and Recycling Services; providing a severability clause; providing a penalty; authorizing publication; and establishing an effective date with the addition of recycling container cleaning. The motion carried unanimously.

6. [Consider a resolution authorizing the City Manager to execute a franchise agreement with Community Waste Disposal, of Dallas, Texas, providing for citywide solid waste collection and recycling services, for a term of five \(5\) years beginning September 1, 2020 and terminating August 31, 2025, with one \(1\) five-year renewal option.](#)

Attachments: [061620 Solid Waste Agreement Resolution](#)
[061620 H-5 and H-6 Solid Waste Presentation](#)
[061620 Solid Waste Agreement Exhibit A](#)

Administrative Services Manager Sarah Hensley gave a presentation relating to a franchise agreement with Community Waste Disposal, of Dallas, Texas, providing for Citywide Solid Waste Collection and Recycling Services. Discussion was held by the City Council.

A motion was made by Council Member Sheri Almond, seconded by Council Member Mitch Holmes, to approve Resolution No. 4262 authorizing the City Manager to execute a franchise agreement with Community Waste Disposal, of Dallas, Texas, providing for Citywide Solid Waste Collection and Recycling Services, for a term of five (5) years beginning September 1, 2020 and terminating August 31, 2025, with one (1) five-year renewal option, with the addition of recycling container cleaning. The motion carried unanimously.

I. DISCUSSION – None

J. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

K. ADJOURN

A motion was made by Council Member Sheri Almond, seconded by Council Member Mitch Holmes, to adjourn the Regular Meeting at 8:54 P.M. The motion carried unanimously.

Mayor

City Secretary