The Regular City Council Meeting of the City of Keller was held on Tuesday, March 20, 2012, at Keller Town Hall, 1100 Bear Creek Parkway, Keller, Texas.

The following City Council Members were present:

Mayor Pat McGrail
Council Member Ray Brown
Council Member Gary Reaves
Mayor Pro Tem Tom Cawthra
Council Member Jim Thompson
Council Member Doug Miller

Absent was Council Member John Hoffmann.

Administrative personnel present were City Manager Dan O’Leary, Assistant City Manager Steve Polasek, Assistant City Manager Chris Fuller, City Secretary Sheila Stephens, Assistant City Attorney Cathy Cunningham, Director of Human Resources Carolyn Nivens, Director of Finance Johnny Phifer, Director of Information Services Keith Macedo, Director of Parks and Recreation Dona Roth Kinney, Director of Public Works Greg Dickens, Fire Chief Dan Gaumont, Library Director Jana Prock, Municipal Court Clerk Jeanie Roumell, and Police Chief Mark Hafner.

PRE-COUNCIL MEETING

A. CALL TO ORDER - Mayor Pat McGrail

The Pre-Council Meeting was called to order by Mayor Pat McGrail at 5:08 p.m.

B. WORK SESSION

1. Discuss and review agenda items.

The City Council discussed and reviewed the agenda items.

2. Discuss and review the Old Town Keller Parking Study.

B-2 Memo
Mr. Brad Tribble, Kimley-Horn and Associates, Inc., gave a presentation relating to the Old Town Keller Parking Study, which included Future Development, Supply and Demand at Build Out, Parking Alternatives and Standards, and U.S. Highway 377 at Vine Street Traffic Signal. Also, Mr. Tom Grant with Kimley-Horn and Associates, Inc., addressed the City Council regarding the study. Discussion was held by the City Council.


Mr. Johnny Phifer, Director of Finance, introduced Mr. Chris Pruitt, Pattillo, Brown and Hill, L.L.P. Mr. Pruitt gave a presentation regarding the Comprehensive Annual Financial Report for the year ended September 30, 2011. Discussion was held by the City Council.

C. EXECUTIVE SESSION

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

1. Section 551.071(2), Texas Government Code - To seek advice from the City Attorney 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: Bid for the Rufe Snow Drive Landscape and Irrigation Improvements.

2. Section 551.074, Texas Government Code - Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
   a. Duties of the City Manager.

(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 (1).

4. Adjourn into Open Meeting.

Mayor Pat McGrail called the Pre-Council Meeting back to order.

5. Action on Executive Session Items 1, 2a or 3 if necessary.

   Item 1 - No action was taken.
   Item 2a - No action was taken.
   Item 3 - No action was taken.

D. ADJOURN

The Pre-Council Meeting was adjourned by Mayor Pat McGrail 7:13 p.m.

REGULAR MEETING

A. CALL TO ORDER - Mayor Pat McGrail

   The Regular Meeting was called to order by Mayor Pat McGrail at 7:28 p.m.

B. INVOCATION

   Senior Pastor Darryl Baker, Christian Faith Fellowship, gave the invocation.

C. PLEDGE OF ALLEGIANCE

   Mayor Pat McGrail led the pledge of allegiance.
D. PRESENTATIONS

1. Proclamation - "Arbor Day."

D-1 Proclamation - Arbor Day

Mayor Pat McGrail proclaimed March 31, 2012 as Arbor Day in the City of Keller. Mrs. Dona Roth Kinney, Director of Parks and Recreation, accepted the proclamation.

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.

Item I-1 was discussed under Persons to Be Heard.

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 Regular City Council Meeting on Tuesday, March 6, 2012.

Council Member Gary Reaves made a motion to approve the minutes of the Regular City Council Meeting on Tuesday, March 6, 2012 as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.

2. Consider a resolution authorizing the City Manager to execute an Agreement for Street Lighting Service with ONCOR Electric Delivery Company, of Dallas, Texas, for the purpose of furnishing and installing street lights for the Rufe Snow Drive Improvements, Phase 3, located north of the Big Bear Creek Bridge, for the Public Works Department.
Council Member Gary Reaves made a motion to approve Resolution No 3178 authorizing the City Manager to execute an Agreement for Street Lighting Service with ONCOR Electric Delivery Company, of Dallas, Texas, for the purpose of furnishing and installing street lights for the Rufe Snow Drive Improvements, Phase 3, located north of the Big Bear Creek Bridge, for the Public Works Department as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.

3. Consider a resolution approving the bid for the 2012 Miscellaneous Concrete Improvements, for the Public Works Department.

Council Member Gary Reaves made a motion to approve Resolution No. 3179 approving the bid for the 2012 Miscellaneous Concrete Improvements, from AD Concrete, of Sanger, Texas, for the Public Works Department, in the total contract amount of $72,150.00 as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.

4. Consider a resolution approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with James Mason, located at 213 South Main Street, Keller, Texas, for an Old Town Keller Façade Improvement Matching Grant.
F-4 Exhibit A (Chapter 380 Agreement)

Council Member Gary Reaves made a motion to approve Resolution No. 3180 approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with James Mason, located at 213 South Main Street, Keller, Texas, for an Old Town Keller Façade Improvement Matching Grant as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.

5. Consider a resolution approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with James Mason, located at 215 South Main Street, Keller, Texas, for an Old Town Keller Façade Improvement Matching Grant.

F-5 Memo

F-5 Resolution

F-5 Exhibit A (Chapter 380 Agreement)

Council Member Gary Reaves made a motion to approve Resolution No. 3181 approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with James Mason, located at 215 South Main Street, Keller, Texas, for an Old Town Keller Façade Improvement Matching Grant as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.

6. Consider a resolution approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with James Mason, located at 103 Bates Street, Keller, Texas, for an Old Town Keller Façade Improvement Matching Grant.

F-6 Memo

F-6 Resolution
F-6 Exhibit A (Chapter 380 Agreement)

Council Member Gary Reaves made a motion to approve Resolution No. 3182 approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with James Mason, located at 103 Bates Street, Keller, Texas, for an Old Town Keller Façade Improvement Matching Grant as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.

7. Consider a resolution authorizing the City Manager to execute a Contract for Fines and Fees Collection Services with Linebarger Goggan Blair & Sampson LLP, Attorneys at Law, for the purpose of the collection of unpaid court fines; fees; court costs; forfeited bonds; and restitution services, relating to the Municipal Court.

F-7 Memo
F-7 Resolution
F-7 Exhibit A

Council Member Gary Reaves made a motion to approve Resolution No. 3183 authorizing the City Manager to execute a Contract for Fines and Fees Collection Services with Linebarger Goggan Blair & Sampson LLP, Attorneys at Law, for the purpose of the collection of unpaid court fines; fees; court costs; forfeited bonds; and restitution services, relating to the Municipal Court as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.


F-8 Memo
F-8 Resolution
F-8 Comprehensive Annual Financial Report
Council Member Gary Reaves made a motion to approve Resolution No. 3184 acknowledging receipt of the Comprehensive Annual Financial Report for the Fiscal Year ending September 30, 2011 as proposed. Council Member Ray Brown seconded the motion. The motion carried unanimously.

G. OLD BUSINESS

1. Consider a resolution approving the bid for the Rufe Snow Drive Landscape and Irrigation Improvements from Bursey Road to Rapp Road, for the Public Works Department.

G-1 Memo
G-1 Resolution
G-1 Location Map
G-1 Bid Summary
G-1 Letter from Engineer

Mr. Greg Dickens, Director of Public Works, gave a presentation relating to the bid for the Rufe Snow Drive Landscape and Irrigation Improvements from Bursey Road to Rapp Road.

Council Member Jim Thompson made a motion to approve Resolution No. 3185 approving the bid from American Landscape Systems, Inc., of Lewisville, Texas, for the Rufe Snow Drive Landscape and Irrigation Improvements from Bursey Road to Rapp Road, for the Public Works Department in the amount of $181,953.80. Council Member Gary Reaves seconded the motion. The motion carried with the following vote:

AYES: Mayor Pat McGrail, Council Member Ray Brown, Council Member Gary Reaves, and Council Member Jim Thompson.

NAYS: Council Member Doug Miller.

H. NEW BUSINESS
1. PUBLIC HEARING: Consider a resolution amending the City of Keller Comprehensive Thoroughfare Plan.

H-1 Memo
H-1 Resolution
H-1 Exhibit A

Mr. Greg Dickens, Director of Public Works, gave a presentation relating to the resolution amending the City of Keller Comprehensive Thoroughfare Plan to remove the Highway 377 Couplet.

Mayor Pat McGrail opened the public hearing. No public comments were made. Council Member Doug Miller made a motion to close the public hearing. Council Member Gary Reaves seconded the motion. The motion carried unanimously.

Council Member Ray Brown made a motion to approve Resolution No. 3186 amending the City of Keller Comprehensive Thoroughfare Plan. Council Member Doug Miller seconded the motion. The motion carried unanimously.

2. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 9, Zoning/Development Standards, Section 9.04 (O), Signage Requirements for Non-Profit Organizations, for Keller Farmers Market, located on a portion of a 101.80-acre lot on the south side of the Bear Creek Parkway and Town Center Lane intersection, at 1100 Bear Creek Parkway, being Lot 1R, Block D, Keller Town Center, and zoned TC (Town Center). City of Keller, owner. Keller Farmers Market, applicant/developer. (UDC-12-0003)

H-2 Memo
H-2 Resolution
H-2 Exhibit A
H-2 Maps
Mr. Tom Elgin, Community Development Manager, gave a presentation relating to a variance to the City of Keller Unified Development Code, Article 9, Zoning/Development Standards, Section 9.04 (O), Signage Requirements for Non-Profit Organizations, for Keller Farmers Market, located on a portion of a 101.80-acre lot on the south side of the Bear Creek Parkway and Town Center Lane intersection, at 1100 Bear Creek Parkway.

Ms. Patricia Eltiste, Farmers Market Manager, addressed the City Council regarding the proposal.

Council Member Doug Miller made a motion to approve Resolution No. 3187 approving a variance to the City of Keller Unified Development Code, Article 9, Zoning/Development Standards, Section 9.04 (O), Signage Requirements for Non-Profit Organizations, for Keller Farmers Market, located on a portion of a 101.80-acre lot on the south side of the Bear Creek Parkway and Town Center Lane intersection, at 1100 Bear Creek Parkway, being Lot 1R, Block D, Keller Town Center, and zoned TC (Town Center) with the following condition:

1. The variance request to allow the temporary signs for the Keller Farmers Market to be used more than five (5) times per calendar year shall be allowed.


3. Consider a resolution approving the site plan for the Bronson Rock additional parking lot, consisting of a parking lot expansion to be constructed, located on a 0.51-acre tract of land on the south side of Olive Street, approximately 110 feet west of South Main Street (U.S. Highway 377), being Lots 1 and 4, Block 6, Original Town of Keller, and zoned R-OTK (Retail-Old Town Keller Overlay District). Old Town Investments, LLC, owner. James Barraco, applicant/developer. Kellie Engineering, Inc., engineer. (SP-12-0002)

H-3 Memo
H-3 Resolution

H-3 Exhibit A

H-3 Staff Attachment

H-3 Maps

Mr. Tom Elgin, Community Development Manager, gave a presentation relating to the site plan for the Bronson Rock additional parking lot, consisting of a parking lot expansion to be constructed, located on a 0.51-acre tract of land on the south side of Olive Street, approximately 110 feet west of South Main Street (U.S. Highway 377).

Mr. Jim Barraco, applicant/developer, addressed the City Council regarding the site plan for the Bronson Rock additional parking lot.

Council Member Jim Thompson made a motion to table Item H-3 until the April 3, 2012 Regular City Council Meeting. Council Member Doug Miller seconded the motion. The motion carried unanimously.

I. DISCUSSION

1. Discuss and review the Danbury Parks/Courts of Canterbury Forest/Chapelwood Estates Cut-Through Study.

Mr. Greg Dickens, Director of Public Works and Mr. Brad Tribble, Kimley-Horn and Associates, Inc., gave a presentation regarding the results of the Danbury Parks/Courts of Canterbury Forest/Chapelwood Estates Cut-Through Study.

Mr. Tom Elgin, Community Development Manager, gave an overview of a timeline of how development occurred in the area associated with the study. Discussion was held by the City Council.

The following individuals expressed their concerns regarding the Danbury Parks/Courts of Canterbury Forest/Chapelwood Estates Cut-Through Study: Ms. Jacquie Hair, 1321 Danbury Parks Drive; Mr. Les Hundley, 1425 Danbury Parks; Mr. Matt Petzold, 1304
Britney Court; Ms. Christie Abercrombie, 1420 Danbury Parks Drive; Mr. Michael Larsen, 1413 Danbury Parks Drive; Mr. Kyle Coleman, 1145 Stratford Place; Mr. David Abercrombie, 1428 Danbury Parks Drive; Mr. Thomas Hughes, 1031 Canterbury Lane; Mr. James Thompson, 1213 Wishing Tree Lane; Mr. Jim Jameson, 1000 Monarch Court; Ms. Lori Vermet, 1317 Danbury Parks Drive; Ms. Rose Terk, 1105 Wishing Tree Lane; and Ms. Tracy Williams, 1035 Oxford Court.

2. Discussion and direction regarding the initiation of a potential text amendment to the Unified Development Code to change retirement home and/or nursing home use from permitted by right in the Retail, Town Center, and Commercial zoning districts to permitted with approval of a Specific Use Permit.

I-2 Memo

I-2 Staff Attachment

Mr. Tom Elgin, Community Development Manager, gave a presentation regarding the initiation of a potential text amendment to the Unified Development Code to change retirement home and/or nursing home use from permitted by right in the Retail, Town Center, and Commercial zoning districts to permitted with approval of a Specific Use Permit. Discussion was held by the City Council.

Council Member Doug Miller made a motion to charge the Planning and Zoning Commission to initiate a text amendment to the Unified Development Code to change retirement home and/or nursing home use from permitted by right in the Retail, Town Center, and Commercial zoning districts to permitted with approval of a Specific Use Permit and add the project to the top of the RACI Project Tracking Form. Council Member Ray Brown seconded the motion. The motion carried unanimously.

J. EXECUTIVE SESSION

Mayor Pat McGrail adjourned the meeting to Executive Session during the Regular Meeting for purposes allowed in Chapter 551 of the Texas Government Code. The following subjects were discussed in Executive Session:
Mayor Pro Tem Tom Cawthra arrived at the meeting at 10:27 p.m.

1. Section 551.071(2), Texas Government Code - To seek advice from the City Attorney 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: Bid for the Rufe Snow Drive Landscape and Irrigation Improvements.

2. Section 551.074, Texas Government Code - Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
   a. Duties of the City Manager.

   (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 (1).

4. Adjourn into Open Meeting.

   Mayor Pat McGrail called the Regular Meeting back to order.

5. Action on Executive Session Items 1, 2a or 3 if necessary.
   Item 1 - No action was taken.
   Item 2a - No action was taken.
   Item 3 - No action was taken.
K. ADJOURN

Council Member Gary Reaves made a motion to adjourn the meeting at 11:54 p.m. Council Member Doug Miller seconded the motion. The motion carried unanimously.

_________________________
MAYOR

_________________________
CITY SECRETARY