



City of Keller
City Council
Meeting Minutes

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

Tuesday, July 21, 2020

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Pat McGrail

Council Member Mitch Holmes called the Pre-Council Meeting to order at 5:03 P.M.

The following City Council Members were present:

Council Member Mitch Holmes
Council Member Sheri Almond
Council Member Beckie Paquin
Council Member Chris Whatley
Council Member Tag Green

Mayor Pat McGrail and Mayor Pro Tem Sean Hicks 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, 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

The City Council addressed the Work Session portion of the agenda prior to the Executive Session.

Council Member Mitch Holmes adjourned the Pre-Council Meeting at 6:25 P.M. so that the Council, in compliance with provisions of the Texas Open Meetings Act as authorized therein, shall go into Executive Session to consider matters allowed therein and as stated in the agenda.

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. 541 Keller Parkway

2. Adjourn into Open Meeting.

Council Member Mitch Holmes called the Pre-Council Meeting back to order at 6:55 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION

1. [Budget Strategic Planning - COVID-19 Impacted Revenue Projections](#)

Director of Administrative Services Aaron Rector gave a presentation relating to Revenue Projections Impacted by COVID-19. Mr. Rector discussed the CARES ACT Funding, sales tax growth and projections, permit revenue, and The Keller Pointe Revenue and Fund. Discussion was held by the City Council.

2. [Discuss the COVID-19 Task Force Economic Recovery Loan](#)

Director of Public Services Trina Zais addressed the City Council regarding the request for another \$100,000.00 to be added to the COVID-19 Economic Recovery Loan. Council Member Beckie Paquin expressed her support of the additional funds and of local businesses. Council Member Chris Whatley asked Director of Administrative Services Aaron Rector if the additional funds could be available through the CARES Act. Mr. Rector confirmed that the funds would be available. Council Member Chris Whatley then stated that he supports the additional funding. Council Member Mitch Holmes asked City staff what the next step will need to be. City Manager Mark Hafner stated that a resolution approving the additional funding will be presented at next Regular City Council meeting, following the City Council's direction to proceed. Council Member Tag Green expressed his support of the request and local businesses. He also expressed concern that the State and County were distributing funds to Cities (even cities that do not need the funds); and doing so with funds previously collected from local businesses and tax payers while simultaneously shutting down businesses and restricting tax payers' ability to earn a living. Council Member Sheri Almond and Council Member Mitch Holmes both expressed their

support of the requested additional funding.

3. [Discuss amending and expanding the Medical Overlay District in Town Center.](#)

Director of Public Services Trina Zais gave a presentation relating to expanding the Medical Overlay District in Keller Town Center. Mrs. Zais proposed four options for the City Council to consider:

1. Do nothing.
2. Redefine the limits of the Town Center Zoning District to exclude the properties in question along with those covered by the Medical Overlay Zoning District.
3. Stay with the original zoning of Town Center putting Medical Use back in the base zoning district with SUP (revert back to 2014).
4. Rezone the properties in question to the Town Center Medical Overlay District (expand it) and also add the "Surgical Out-patient Facility" to be permitted by an SUP to the Town Center Medical Overlay District.

Discussion was held by the City Council.

Council Member Mitch Holmes, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley each expressed support of option 4, to rezone the properties in question to the Town Center Medical Overlay District (expand it) and also add the "Surgical Out-patient Facility" to be permitted by an SUP to the Town Center Medical Overlay District.

Council Member Tag Green elected option 1, to do nothing at this time.

Mrs. Zais stated that this request will be presented for City Council action at the August 18, 2020 Regular City Council Meeting.

E. ADJOURN

Council Member Mitch Holmes adjourned the Pre-Council Meeting at 6:55 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Pat McGrail

Council Member Mitch Holmes called the meeting to order at 7:03 P.M.

B. INVOCATION

Pastor Mike Banas, Milestone Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Council Member Mitch Holmes 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. 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. George Hazelwood, 8704 Buckner Lane, expressed concerns with proposed amendments to the Unified Development Code relating to the process for final plats. Council Member Mitch Holmes suggested that Mr. Hazelwood continue his comments during the Public Hearing for Agenda Item H-4.

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 Chris Whatley, seconded by Council Member Beckie Paquin, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, July 7, 2020 Regular City Council Meeting.](#)

Approved

2. [Consider a resolution approving an Agreement for Professional Services with Freese and Nichols, Inc., of Fort Worth, Texas, relating to Phase III of the Utility Master Plan Updates and System Assessments Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4265

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider a resolution approving the Fiscal Year 2020-21 City of Keller Crime Control and Prevention District Budget.](#)

Ms. Tyra Jordan, Crime Control and District Board Member, addressed the City Council regarding the Board's unanimous support of the Fiscal Year 2020-21 City of Keller Crime Control and Prevention District Budget.

Police Chief Bradley G. Fortune gave a presentation relating to the Fiscal Year 2020-21 Keller Crime Control and Prevention Budget in relation to History, Vehicle Replacements,

Technology, SWAT Team, New Equipment requests, Building Maintenance, Accreditation, Debt Payment, and Fund Balances for the Capital Replacement & Building Maintenance Fund and the Operations Fund.

Council Member Mitch Holmes opened the public hearing. No public comments were received.

A motion was made by Council Member Sheri Almond, seconded by Council Member Chris Whatley, to close the public hearing for the Fiscal Year 2020-21 City of Keller Crime Control and Prevention District Budget. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Resolution No. 4266 approving the Fiscal Year 2020-21 City of Keller Crime Control and Prevention District Budget. The motion carried unanimously.

- [2. PUBLIC HEARING: Consider approving an ordinance for a Specific Use Permit \(SUP\) for Elements Salon Suites to operate a spa to include cosmetology, located in an approximately 6,900 square-foot building, on an approximately 1.1-acre tract, on the east side of South Main Street, approximately 150 feet northeast of the intersection of South Main Street and Bear Creek Parkway, being Lot 3, Block A, Bear Creek, zoned Old Town Keller \(OTK\), located at 681 South Main, Suite 100. Amir Morshed, owner. Pat and Vickie Huertel, applicant. \(SUP-20-0012\)](#)

City Planner Matt Cyr gave a presentation relating to a Specific Use Permit (SUP) for Elements Salon Suites to operate a spa to include cosmetology, located at 681 South Main, Suite 100.

Council Member Mitch Holmes opened the public hearing. Ms. Vickie Huertel, applicant, expressed her concerns with adhering to the Specific Use Permit process when the only change requested is to the name of the business.

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

A motion was made by Council Member Tag Green, seconded by Council Member Sheri Almond, to adjourn into Executive Session. The motion carried unanimously.

Council Member Mitch Holmes recessed the Regular Meeting at 7:42 P.M. so that the City Council could meet in Executive Session under Sec. 551.071, Texas Government Code - Consultation with 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.

Council Member Mitch Holmes called the Regular Meeting back to order at 8:03 P.M.

The following questions and answers were asked and received:

Council Member Mitch Holmes: Do you confirm that there is no change in ownership or lease structure of your business?

Ms. Vickie Hurtel: Yes.

Council Member Mitch Holmes: Do you confirm there will be no new uses or services added to the salon or building?

Ms. Vickie Hurtel: Yes.

Council Member Mitch Holmes: Do you confirm that this is a name change only?

Ms. Vickie Hurtel: Yes.

Council Member Mitch Holmes: Do you confirm that if any of these are incorrect, it will trigger a Specific Use Permit, and additional life safety upgrades in order to bring the building into current compliance?

Ms. Vickie Hurtel: Yes.

Council Member Mitch Holmes announced that no action will be taken on this agenda item, and that the applicant may move forward without a Specific Use Permit for the name change.

3. [Consider approving a resolution for a Site Plan Amendment with one \(1\) variance for Keller Town Center Addition, a one story, 9,755 square-foot multi-tenant building, located on a 1.49-acre tract of land, on the north side of Keller Parkway, approximately 1000 feet west of the Keller Smithfield Road and Keller Parkway \(F.M. 1709\) intersection, being Lot 6, Block G, Greenway Keller Addition, at 1301 Keller Parkway, and zoned TC \(Town Center\). Chapps Investments Keller, owner/applicant. \(SP-20-0020\)](#)

City Planner JP Ducay gave a presentation relating to a request for a Site Plan Amendment with one (1) variance for Keller Town Center Addition at 1301 Keller Parkway. Mr. Don Ranken, Rankin and Associates, applicant, addressed the City Council regarding the proposal.

Fire Chief David Jones expressed that the Fire Department is in support of the proposal, with the addition of a condition stating that the words "Tow Away" shall be added to the red stripe language on the site plan per the Fire Lane Striping Requirements.

A motion was made by Council Member Sheri Almond, seconded by Council Member Chris Whatley, to approve Resolution No. 4267 approving a Site Plan Amendment with one (1) variance for Keller Town Center Addition, a one story, 9,755 square-foot multi-tenant building, located on a 1.49-acre tract of land, on the

north side of Keller Parkway, approximately 1000 feet west of the Keller Smithfield Road and Keller Parkway (F.M. 1709) intersection, being Lot 6, Block G, Greenway Keller Addition, at 1301 Keller Parkway with the following variance, and additional condition:

Variance: Allow for the construction of a 22-foot wide fire lane along the west property boundary in lieu of a 24-foot wide fire lane.

Condition: The words "Tow Away" shall be added to the red stripe language on the site plan per the Fire Lane Striping Requirements.

The motion carried unanimously.

4. [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 remove the requirement for final plats as part of the submittal packages for construction/civil plans and modifying, Article Four – Processes and Article Five – Subdivision Design Improvement Requirement and Design & Technical Construction Standards; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. \(UDC-20-0003\)](#)

City Planner Katasha Smithers gave a presentation relating to a request for amendments to the City of Keller Unified Development Code (UDC), regarding the removal of the requirement for final plats as part of the submittal packages for construction/civil plans.

Council Member Mitch Holmes opened the public hearing.

Mr. George Hazelwood, 8704 Buckner Lane, expressed his concerns regarding the development process. Council Member Mitch Holmes clarified to Mr. Hazelwood that the agenda item was only proposing that the requirement for final plats be submitted as part of the submittal packages for construction/civil plans be removed.

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

A motion was made by Council Member Chris Whatley, seconded by Council Member Sheri Almond, approving Ordinance No. 1976 authorizing amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by providing provisions to remove the requirement for final plats as part of the submittal packages for construction/civil plans and modifying, Article Four – Processes and Article Five – Subdivision Design Improvement Requirement and Design & Technical Construction Standards; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. (UDC-20-0003) The motion carried unanimously.

5. [PUBLIC HEARING: Fiscal Year 2020-21 Keller Development Corporation Budget.](#)

Director of Community Services Cody Maberry and Director of Administrative Services Aaron Rector gave a presentation relating to the Fiscal Year 2020-21 Keller Development Corporation Budget.

Council Member Mitch Holmes opened the public hearing. No public comments were received.

A motion was made by Council Member Mitch Holmes, seconded by Council Member Chris Whatley, to close the public hearing for the Fiscal Year 2020-21 Keller Development Corporation Budget. The motion carried unanimously.

I. DISCUSSION – None

J. EXECUTIVE SESSION

Executive Session was held during the Regular Meeting for agenda item H-2.

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. 541 Keller Parkway

2. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

K. ADJOURN

A motion was made by Council Member Chris Whatley, seconded by Council Member Sheri Almond, to adjourn the Regular City Council Meeting at 8:39 P.M. The motion carried unanimously.

Mayor

City Secretary

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