



City of Keller

City Council

Meeting Minutes

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

Tuesday, August 20, 2024

PRE-COUNCIL MEETING 5:00 P.M.

A. CALL TO ORDER - Mayor Armin R. Mizani

Mayor Armin Mizani called the Pre-Council Meeting to order at 5:09 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Council Member Greg Will
Council Member Tag Green
Council Member Chris Whatley
Mayor Pro Tern Ross McMullin

The following City staff members were present: Interim City Manager Aaron Rector, City Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Community Development Sarah Hensley, Director of Economic Development Mary Culver, Director of Human Resources Marcia Reyna, Public Works Director Alonzo Linan, Police Captain Ryan Coe, Animal Control Officer Corrina Hicks, and Fire Chief Bobby Tatum Jr.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Mayor Armin Mizani recessed the Pre-Council Meeting at 5:13 P.M. so that the City Council could meet in an Executive Session in accordance with State Law.

1. **Section 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:**
 - (1) **when the governmental body seeks the advice of its attorney about:**
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
 - (2) 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. [660 Keller Smithfield Road](#)

2. **Section 551.072, Texas Government Code - Deliberation Regarding Real Property; Closed Meeting.** A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

a. [205 S. Elm Street](#)

3. **Adjourn into Open Meeting.**

Mayor Armin Mizani adjourned the Executive Session and reconvened the Pre-Council Meeting at 6:24 P.M.

4. **Action on Executive Session Items 1 and 2 if necessary.**

No action was taken.

D. WORK SESSION

1. [Receive a presentation from The Retail Coach.](#)

Mr. Aaron Farmer, President - The Retail Coach, gave a retail recruitment and development strategy update.

2. [Discuss possible Unified Development Code \(UDC\) amendments related to horse boarding.](#)

Attachments: [Code Of Ordinances - Excerpts Chapter 3](#)
[Work Session - Horse Boarding](#)

Council Members reviewed current Unified Development Code guidelines for privately-owned horses and commercial stables and discussed potential changes to the code. They directed staff to work with Mayor Pro Tem McMullin and Council Member Whatley, along with local stakeholders, to draft related code amendments to present to the Planning and Zoning Commission and City Council in the future.

3. [Capital Improvement Projects Update](#)

This item was not discussed.

E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:57 P.M.

Mayor Armin Mizani reconvened the Pre-Council Meeting at 7:46 P.M. and adjourned at 8:30 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayor Armin Mizani called the Regular City Council Meeting to order at 7:03 P.M

B. INVOCATION

Pulpit Minister Joshua Rodriguez, Keller Church of Christ, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Armin Miznai 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. 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. Each speaker will be allowed three (3) minutes to speak.

Mr. Louis Seldon, 1305 Clear Springs Drive, expressed his desire for Keller Senior Activities Center to be open during the hours of 10:00 A.M. to 2:00 P.M. on Saturdays. He also invited the public to the Keller Area Veterans meetings.

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 Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, August 6, 2024, Regular City Council Meeting.](#)

Attachments: [080624 Minutes](#)

Approved.

2. [Consider a resolution approving a payment to Select Excavation, LLC of McKinney, Texas; for the temporary emergency drainage repair of a gabion wall failure along the Highland Oaks Crossing Channel, for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [082024_GabionRepairs_Resolution](#)
[082024_GabionRepairs_StaffAttachment](#)
[082024_GabionRepairs_StaffAttachmentB](#)

Resolution No. 4827 approves the emergency drainage repair contract with Select Excavation, LLC of McKinney, Texas; paid from the Drainage System Capital Improvements Project Fund, in the amount of \$219,995.72.

3. [Consider a resolution approving the proposal for a customized municipality mobile app with GOGov, Inc., of Islandia, New York, for the purpose of delivering a fully integrated citizen reporting solution and information portal providing mobile application, web platform, and texting capabilities, for a three \(3\) year period with an option for two \(2\) additional one \(1\) year renewal periods, for a total of five \(5\) years; and further authorizes the City Manager to execute all contract documents on behalf of the City of Keller, Texas.](#)

Attachments: [082024_GOGov_Resolution](#)
[082024_GOGov_App_Quote](#)

Resolution No. 4828 approves the proposal for a customized municipality mobile app with GOGov, Inc., of Islandia, New York, for the purpose of delivering a fully integrated citizen reporting solution and information portal providing mobile application, web platform, and texting capabilities, for a three (3) year period with an option for two (2) additional one (1) year renewal periods, for a total of five (5) years.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for a commercial retail nursery with outside storage for Fossil Creek Tree Farm, on approximately 2.43 acres of a 6.875-acre lot, located at the northeast corner of the Johnson Road and North Main Street intersection, legally described as Lot 1R, Block 1 of the L.L. McDonnell Addition, zoned Commercial \(C\), and addressed 600 North Main Street. JT Richards LLC, Applicant. Mark Keel, Owner. \(SUP-2407-0002\)](#)

Attachments: [082024_600_N_Main_SUP_Ordinance](#)
[082024_600_N_Main_SUP_MAPS](#)
[082024_600_N_Main_SUP_Applicant_Packet](#)
[082024_600_N_Main_SUP_Concept_Plan](#)
[Fossil Creek 600 N Main SUP Presentation](#)
[082024_600_N_Main_SUP_Support_Email](#)

Community Development Director Sarah Hensley gave a presentation relating to the request for a SUP for Fossil Creek Tree Farm, at 600 North Main Street.

Mayor Armin Mizani opened the public hearing. No public comments were received.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Gregory Will, to close the public hearing. The motion carried

unanimously.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for a commercial retail nursery with outside storage for Fossil Creek Tree Farm, on approximately 2.43 acres of a 6.875-acre lot, located at the northeast corner of the Johnson Road and North Main Street intersection, legally described as Lot 1R, Block 1 of the L.L. McDonnell Addition, zoned Commercial (C), and addressed 600 North Main Street. The motion carried unanimously.

2. [Consider a resolution of the City Council of the City of Keller, Texas, to consider a proposal to adopt a tax rate that will be lower than the no new revenue and voter-approval tax rates; and providing an effective date.](#)

Attachments: [082024 Max Tax Rate Resolution](#)

Interim City Manager Aaron Rector gave a presentation relating to the proposal to adopt a tax rate that will be lower than the no new revenue and voter-approval tax rates.

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4829 adopting the proposed tax rate of \$0.29112 which is below the no new revenue and voter approval rates. The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

1. **Section 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.** A governmental body may not conduct a private consultation with its attorney except:
 - (1) when the governmental body seeks the advice of its attorney about:
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
 - (2) 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.
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2. **Section 551.072, Texas Government Code - Deliberation Regarding Real Property; Closed Meeting.** A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
 - a. [205 S. Elm Street](#)
3. **Adjourn into Open Meeting.**

- 4. Action on Executive Session Items 1 and 2 if necessary.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular Meeting and at 7:43 p.m. and returned to the Work Session.

Mayor

City Secretary