



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 15, 2023

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 5:03 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Council Member Sean Hicks
Council Member Jessica Juarez
Council Member Tag Green
Council Member Chris Whatley
Mayor Pro Tem Ross McMullin

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Community Development Sarah Hensley, Director of Human Resources Marcia Reyna, Director of Economic Development Mary Culver, Police Chief Bradley G. Fortune, and Deputy Chief Shane Gainer.

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 5:11 P.M. so that the City Council could meet in an 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.

1. [401 Golden Triangle Blvd.](#)

2. Adjourn into Open Meeting.

Mayor Armin Mizani called the Pre-Council Meeting back to order at 6:31 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION

1. [Pate Orr Sidewalk Discussion](#)

Director of Public Works Alonzo Liñán gave a presentation related to Pate Orr sidewalk construction and different options for moving forward. The City Council will continue the discussion at the September 5, 2023 Regular City Council Meeting.

2. [Sports Park Materials Storage Discussion](#)

The City Council tabled this discussion to the September 5, 2023 Regular City Council Meeting.

3. [City Council Updates on Boards and Commissions](#)

This item was not discussed.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 9:40 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 - Pastor Mike Banas, Milestone Church

Pastor Mike Banas, Milestone Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Armin Mizani 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

1. [Recognition of Ms. Jana Prock](#)

Mayor Armin Mizani presented a Certificate of Appreciation to Ms. Jana Prock, for her years of service as the Keller Public Library Director.

2. [Recognition of the Summer Earn and Learn program Participants](#)

Mayor Armin Mizani presented Certificates of Recognition and medals to the 2023 Summer Earn and Learn Participants:

Alex Conner
Ethan Singuefield
Fernand Reyes
Josh Thalken
Hershel Beverly
Jeremiah Bennett
Natalie Castillo
Orion Owens

Mayor Armin Mizani also recognized:

Eric Cook, Job Coach - PC Consulting
Courtney Caraway, Rehabilitation Program Manager - Goodwill North Central Texas

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, 1309 Stonehollow Court, expressed his concerns with road conditions in the City and recent damage to his vehicle.

Mr. Louis Seldon, 1305 Clear Springs Drive, expressed his concerns with public obscenity, and also requested additional hours of operation at the Keller Senior Activities Center.

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

1. [Consider approval of the Minutes of the Tuesday, August 1, 2023 Regular City Council Meeting.](#)

Approved.

2. [Consider a resolution approving the execution and delivery of a Financing Agreement with the Texas Water Development Board regarding the issuance of certificates of obligation by the city for water system improvements and related issuance costs, and approving the obligations of the city with respect to such agreement; and resolving other matters relating to the subject.](#)

Resolution No. 4683 hereby designates the Water and Wastewater Fund for payment of the amounts set forth in the Financing Agreement that may become due as described in the Financing Agreement. Until such time as the obligations of the City under the Financing Agreement have terminated, such funds are hereby appropriated, budgeted and reserved for such purposes.

3. [Consider a resolution directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for water and sewer system improvements and related issuance costs, and resolving other matters related to the subject.](#)

Resolution No. 4684 directs publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for water and sewer system improvements and related issuance costs, and resolving other matters related to the subject.

4. [Consider a resolution rejecting all proposals for the construction of the Pate Orr Sidewalk Project and authorizing the City Manager to re-advertise the project on behalf of the City of Keller, Texas.](#)

No action taken.

5. [Consider a resolution authorizing the City Manager to execute an agreement with Datavox, of Houston, Texas, for the purchase and configuration of networking equipment, through the State of Texas Department of Information Resources \(DIR\) Cooperative Purchasing Program, for the Information Technology Department.](#)

Resolution No. 4685 approves the agreement with Datavox for the purchase, configuration, and installation of networking equipment, in the amount of \$128,682.51, through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program, for the Information Technology Department; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City

of Keller, Texas.

6. [Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Keller Independent School District, for the funding of School Resource Officers, for the Keller Police Department.](#)

Resolution No. 4686 approves an Interlocal Agreement for the funding of four full-time School Resource Officers, for the Keller Police Department, between Keller Independent School District and City of Keller, Texas.

7. [Consider a resolution approving a contract with Baley & Co Enterprises LLC \(DBA Leak Geeks\) of Fort Worth, TX for unforeseen wastewater line damage at Fire Station #3; and authorizing the City Manager to execute all purchasing documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4687 approves a contract for \$95,024.23 with Baley & Co Enterprises LLC (DBA Leak Geeks) to replace the wastewater line at Fire Station #3.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to sell used goods and merchandise at County Line Records in an existing 1,211 square-foot structure on .17 acres located on the west side of South Elm Street, at the intersection of South Elm Street and Hill Street, legally described as Lot 13R2, Block 10 of Keller City Addition, zoned Old Town Keller and addressed 148 S. Elm St. Francis Moser, Owner, Rodney Holder, Applicant. \(SUP-23-0019\).](#)

Planner Amber Washington gave a presentation relating to the request for a Specific Use Permit (SUP) to sell used goods and merchandise at County Line Records at 148 S. Elm St.

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

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, 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 Ordinance No. 2131 approving a Specific Use Permit (SUP) to sell used goods and merchandise at County Line Records in an existing 1,211 square-foot structure on .17 acres located on the west side of South Elm Street, at the intersection of South Elm Street and Hill Street, legally described as Lot 13R2, Block 10 of Keller City Addition, zoned Old Town Keller and addressed 148 S. Elm St. with the following condition:

1. **A Specific Use Permit to sell used goods and merchandise in the Old Town Keller zoning district shall be allowed.**

The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits \(SUPs\) for an approximately 1,980 square-foot accessory structure with an average height of 18.5 feet on .88 acre, on the north side of Greenwood Lane, approximately 1,250 feet from the intersection of North Pearson Lane and Greenwood Lane, legally described as Lot 14, Block 2 of the Hickory Hollow estates Addition, zoned Single-Family Residential 20,000 square-foot lots \(SF-20\) and addressed 2041 Greenwood Lane. Mark S. Adair, Applicant. Chris Navarro, Owner. \(SUP-23-0024\)](#)

Community Development Director Sarah Hensley gave a presentation relating to the request for an approximately 1,980 square-foot accessory structure at 2041 Greenwood Lane.

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

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2132 approving two Specific Use Permits (SUPs) for an approximately 1,980 square-foot accessory structure with an average height of 18.5 feet on .88 acre, on the north side of Greenwood Lane, approximately 1,250 feet from the intersection of North Pearson Lane and Greenwood Lane, legally described as Lot 14, Block 2 of the Hickory Hollow estates Addition, zoned Single-Family Residential 20,000 square-foot lots (SF-20) and addressed 2041 Greenwood Lane. The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving one amendment to an existing Specific Use Permit \(SUP\) for the Penguin Patch, by allowing a 6-month extension to the time the Applicant has to apply for and secure building permit, on a property legally described as Abstract 457 Tract 14C03 of John Edmonds Survey, being 4.07-acres, approximately 270 feet southeast from the intersection of W. Bear Creek Parkway and Chisholm Trail, zoned Commercial \(C\), and addressed as 721 Chisholm Trail. Jennifer Randklev, Owner/Applicant. \(SUP-23-0022\)](#)

Community Development Director Sarah Hensley gave a presentation relating to the request for an amendment to an existing Specific Use Permit (SUP) for the Penguin Patch.

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 Jessica Juarez, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2133 approving one amendment to an existing Specific Use Permit (SUP) for the Penguin Patch, by allowing a 6-month extension to the time the Applicant has to apply for and secure building permit, on a property legally described as Abstract 457 Tract

14C03 of John Edmonds Survey, being 4.07-acres, approximately 270 feet southeast from the intersection of W. Bear Creek Parkway and Chisholm Trail, zoned Commercial (C), and addressed as 721 Chisholm Trail. The motion carried unanimously.

4. [Consider a resolution approving a Site Plan for Penguin Patch, a proposed 43,640 square-foot building, on a property legally described as Abstract 457 Tract 14C03 of John Edmonds Survey, being 4.07-acres, approximately 270 feet southeast from the intersection of W. Bear Creek Parkway and Chisholm Trail, zoned Commercial \(C\), and addressed as 721 Chisholm Trail. Jennifer Randklev, Owner/Applicant. \(SP-23-0013\)](#)

Community Development Director Sarah Hensley gave a presentation relating to request for a Site Plan for Penguin Patch, at 721 Chisholm Trail.

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Resolution No. 4688 approving a Site Plan for Penguin Patch, a proposed 43,640 square-foot building, on a property legally described as Abstract 457 Tract 14C03 of John Edmonds Survey, being 4.07-acres, approximately 270 feet southeast from the intersection of W. Bear Creek Parkway and Chisholm Trail, zoned Commercial (C), and addressed as 721 Chisholm Trail. The motion carried unanimously.

5. [PUBLIC HEARING: Consider an ordinance approving a Planned Development \(PD\) amendment and rezoning a portion \(11.94 acres\) to Single Family Residential-36,000 square-foot lots, for The Birch Racquet and Lawn Club, on the property legally described as Block A, Lot 1 AG of The Birch Addition, being 26.99 acres, approximately 340 feet northwest from the intersection of Keller Smithfield Road and Johnson Road, zoned Planned Development 1822-Single Family Residential-36,000 square-foot minimum lots \(PD 1822-SF-36\), and addressed as 660 Keller Smithfield Road. Taylor Dent, The Birch Racquet and Lawn Club, Applicant/Owner. \(Z-23-0002\)](#)

Community Development Director Sarah Hensley gave a presentation relating to the request for a Planned Development (PD) amendment and rezoning for The Birch Racquet and Lawn Club, at 660 Keller Smithfield Road.

Mr. Paul Rostron, Calais Homes, and Mr. Taylor Dent, The Birch, gave a presentation relating to the proposal.

Mayor Armin Mizani opened the public hearing.

The following individuals expressed their opposition to the proposed PD Amendment and rezoning: Miss Kellie Abbee and Ms. Kate Abbee, 1352 Saddlebrook Court, Keller; Ms. Amanda Cabaniss and Madison Cabaniss, 8809 Stirrup Way, Fort Worth; Ms. Angelina Swanson, Mr. Chad Swanson, and Ms. Katie Swanson 610 LaSalle Dr. Keller; Ms. Ann Pruitt, 1521 Shadowbrook Drive, Keller; Ms. Amy Galillo and Ms. Emersyn Morton, 4208 Greyhawk Court, Fort Worth; Ms. Scarlet Swider, 507 Ironwood Drive, Keller; Ms. Lian Wilson, 7125 Douglas Lane, North Richland Hills; Ms. Hannah Demaio, 1633 Mountain Laurel Drive, Keller; Ms. June Coleman, 10341 Crawford Farms Drive, Fort Worth; Mr. Norman Hornbaker, 1513 Sustrik Court, Keller; Mr. Greg Jackson, 1205 Johnson Road,

Keller; and Mr. Misael Banderas Duarte, 661 Keller Smithfield Road, Keller.

Ms. Brittainy Fink, 725 Hallelujah Trail, Keller, expressed her support of the proposal.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Jessica Juarez, to close the public hearing. The motion carried unanimously.

Discussion was held by the City Council.

A motion was made by Council Member Tag Green, seconded by Mayor Armin Mizani, to approve a Planned Development (PD) amendment and rezoning a portion (11.94 acres) to Single Family Residential-36,000 square-foot lots, for The Birch Racquet and Lawn Club, at 660 Keller Smithfield Road. The vote did not receive a super-majority, therefore the motion failed by the following vote:

AYE: 5 - Council Member Shannon Dubberly, Council Member Jessica Juarez, Council Member Tag Green, Mayor Armin Mizani, and Council Member Chris Whatley.

NAY: 2 - Council Member Sean Hicks, and Mayor Pro Tem Ross McMullin.

6. [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.](#)

Director of Administrative Services Aaron Rector gave a presentation relating to a 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 Mayor Pro Tem Ross McMullin, seconded by Council Member Jessica Juarez, to approve Resolution No. 4690 adopting a tax rate that will be lower than the no new revenue and voter-approval tax rates; and providing an effective date. The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the regular meeting.

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.

- 1. [401 Golden Triangle Blvd.](#)

2. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

J. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting and the Regular City Council Meeting at 9:40 P.M.

Mayor

City Secretary