



City of Keller

City Council

Meeting Minutes

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

Tuesday, November 2, 2021

PRE-COUNCIL MEETING 5:30 P.M.

A. CALL TO ORDER - Mayor Armin R. Mizani

Mayor Armin Mizani called the Pre-Council Meeting to order at 5:32 P.M.

The following City Council Members were present:

Mayor Armin Mizani

Council Member Shannon Dubberly

Mayor Pro Tem Sean Hicks

Council Member Sheri Almond

Council Member Beckie Paquin (attended by video conference)

Council Member Chris Whatley

Council Member Ross McMullin

The following City staff members were present: City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Community Services Cody Maberry, Director of Public Works Alonzo Liñán, Director of Information Services Sean Vreeland, Director of Community Development Julie Smith, Director of Economic Development Mary Culver, Police Chief Bradley G. Fortune, Interim Fire Chief Richard Whitten, and Deputy Fire Chief Shane Gainer.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

The City Council did not conduct an Executive Session during the Pre-Council Meeting.

1. Section 551.074, Texas Government Code - Personnel Matters.

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

a. City Manager

2. Adjourn into Open Meeting.

3. Action on Executive Session Item 1 if necessary.

D. WORK SESSION

1. [Discuss possible cancellation of the Tuesday, December 21, 2021 Regular City Council Meeting.](#)

The City Council cancelled the Tuesday, December 21, 2021 Regular City Council Meeting.

2. [Discuss TxDOT Median Projects](#)

Attachments: [Work Session - Update of TxDOT Median Projects](#)

Director of Public Works Alonzo Liñán gave a presentation relating to the TxDOT Median Projects. Mr. Liñán described and gave visuals for the following two projects:

1. FM 1938 (Davis Blvd) Median Project, with a targeted construction date of late 2026.
2. US 377 Median Project, with a targeted construction date of late 2025.

Mr. Liñán stated that the next steps for the City are to provide additional comments or modifications to TxDOT, and to provide a letter of support for the proposed median configuration on US 377 (Davis to come later).

3. [Discuss Bar Ditch Impacts](#)

Attachments: [Work Session - Update of Bar Ditch Maintenance Project \(still working on graphics\)](#)

Director of Public Works Alonzo Liñán gave a presentation relating to options for bar ditch maintenance. 84.5 miles have been identified to be without curb and gutter. The cost to restore these areas is \$100 per linear foot. Mr. Liñán gave the following three examples of repairs:

- Mt Gilead from Liberty Hills to Bancroft: ~2,500ft @ ~\$250,000
- Keller Smithfield from Bancroft to Ottinger: ~2,500ft @ ~\$250,000
- Keller Smithfield from Ottinger to Johnson Rd: ~3,300ft @ ~\$330,000

Mr. Liñán gave three options for bar ditch maintenance: obtain the full space needed (21.5'), install a flume (14'), and cover it with intermittent stormwater inlets (14'). The City Council directed staff to roll the repairs in with future road projects, unless safety issues arise.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:49 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayor Armin Mizani called the Regular Meeting to order at 7:00 P.M.

B. INVOCATION

Pastor Scott Venable, Northwood 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 - 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.

No public comments were received.

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 Shannon Dubberly, seconded by Council Member Sheri Almond, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, October 19, 2021 Regular City Council Meeting.](#)

Attachments: [101921 Minutes](#)

Approved.

2. [Consider a resolution rejecting the proposal for Lifeguard Services - The Keller Pointe, for the Parks and Recreation Department.](#)

Attachments: [110221_TKP Lifeguard Services Rejection Resolution](#)
[110221_TKP Lifeguard Services Rejection Bid Tab](#)

Resolution No. 4434 rejects all bids for Lifeguard Services at The Keller Pointe.

3. [Consider a resolution authorizing the City Manager to execute a professional services agreement with Pacheco Koch Consulting Engineers, Inc., of Fort Worth, Texas, for the design and contract administration of the Barbara Lane Hike and Bike Trail Improvements, for the Parks and Recreation Department.](#)

Attachments: [110221 Barbara Lane Hike and Bike Trail Resolution](#)
[110221 Barbara Lane Hike and Bike Trail Fee Estimate](#)
[110221 Barbara Lane Hike and Bike Trail Proposed Agreement](#)
[110221 Barbara Line Hike and Bike Trail Plat](#)
[110221 Barbara Lane Trail Pre-Design Opinion of Cost 05-20-2021](#)

Resolution No. 4435 approves an agreement for Professional Services for the Barbara Lane Hike and Bike Trail Improvements with Pacheco Koch Consulting Engineers, Inc., of Fort Worth Texas; in the amount of \$63,426.00.

4. [Consider a resolution approving the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet \(Term Sheet\) in its entirety, as provided by the State of Texas, through the Office of the Attorney General; and adopting the allocation method for opioid settlement proceeds as set forth in said Term Sheet; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [110221 Opioid Settlement Resolution](#)
[110221 Opioid Settlement Exhibit A](#)
[110221 Opioid Settlement AG Presentation](#)

Resolution No. 4436 approves the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (term sheet) in its entirety, as provided by the State of Texas, through the Office of the Attorney General; and adopting the allocation method for opioid settlement proceeds as set forth in said term sheet.

5. [Consider an ordinance appointing a Municipal Court Judge and Associate Judge for the Municipal Court of Record for the City of Keller, Texas, for a term of two \(2\) years, effective December 1, 2021.](#)

Attachments: [110221 Judge Appointment Ordinance](#)
[110221 Exhibit A Municipal Judge Agreement](#)

Ordinance No. 2041 appoints Carol Montgomery to serve as the Presiding Municipal Court Judge for the Keller/ Regional Municipal Court of Record to serve from December 1, 2021 through December 1, 2023, and approves the appointment of Lindsay Kinzey as an Associate Municipal Court Judge for the Colleyville/Keller Regional Municipal Court of Record to serve from December 1, 2021 through December 1, 2023.

6. [Consider a resolution amending Resolution No. 4035, dated September 18, 2018; and authorizing an amendment of the Interlocal Agreement for Police Services \(Contract No. 18-80\), Section 4. Westlake obligations, with the Town of Westlake, Texas.](#)

Attachments: [110221 Amend Police Svcs with Westlake Resolution](#)
[110221 Keller/Westlake amendment to 18-80](#)
[110221 Staff Attachment: Contract No. 18-80](#)

Resolution No. 4437 amends Resolution No. 4035, dated September 18, 2018; and authorizing the amendment of the Interlocal Agreement (Contract No. 18-80) for Police Services with the Town of Westlake, Texas.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to construct a 2,000 square-foot accessory structure, legally described as a Lot 1, Block 1 of David Price Addition, being approximately 1.96-acres, located at the north side of Shady Grove Road, approximately 900 feet northwest from the intersection of Keller Smithfield Road and Shady Grove Road, zoned Single-Family 36,000 square-foot lots \(SF-36\) and addressed as 7201 Shady Grove Road. James Atherton, Applicant/Owner. \(SUP-21-0030\)](#)

Attachments: [110221_7201 Shady Grove SUP ProposedOrdinance.docx](#)

[110221_7201 Shady Grove SUP Maps.pdf](#)

[110221_7201 Shady Grove SUP Staff Attachment A - Narrative and Information.pdf](#)

[110221_7201 Shady Grove SUP Staff Attachment B - Support petition.pdf](#)

[Presentation 7201 Shady Grove SUP](#)

Senior Planner Trish Sinel gave a presentation relating to a request for a Specific Use Permit (SUP) to construct a 2,000 square-foot accessory structure at 7201 Shady Grove Road.

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

A motion was made by Council Member Sheri Almond, seconded by Mayor Pro Tem Sean Hicks, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Ross McMullin, to approve Ordinance No. 2042 approving a Specific Use Permit (SUP) to construct a 2,000 square-foot accessory structure, legally described as a Lot 1, Block 1 of David Price Addition, being approximately 1.96-acres, located at the north side of Shady Grove Road, approximately 900 feet northwest from the intersection of Keller Smithfield Road and Shady Grove Road, zoned Single-Family 36,000 square-foot lots (SF-36) and addressed as 7201 Shady Grove Road.) The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving three Specific Use Permits \(SUPs\) to allow the property owner to reside in the existing 2,466 square-foot home for the purpose of living and overseeing construction of a permanent residence, and to construct a 2,000 square-foot accessory structure, lots legally described as a portion of Tract 1D01, 1C and 1C01 of the William H Slaughter Survey, being approximately 5.69-acres, located at the northwest corner of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater \(SF-36\) and addressed as 901 Barbara Lane. Sean Alibrando, Applicant/Owner. \(SUP-21-0033\)](#)

Attachments: [110221_901 Barbara Lane SUP_ProposedOrdinance.docx](#)
[110221_901 Barbara Lane SUP_Maps.pdf](#)
[110221_901 Barbara Lane SUP_Staff Attachment A - Narrative and Information.pdf](#)
[Presentation 901 Barbara Lane SUP](#)

Senior Planner Trish Sinel gave a presentation relating to a request for three Specific Use Permits (SUPs) to allow the property owner to reside in the existing home for the purpose of living and overseeing construction of a permanent residence, and to construct a 2,000 square-foot accessory structure at 901 Barbara Lane.

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

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Sean Hicks, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Ross McMullin, seconded by Council Member Sheri Almond, to approve Ordinance No. 2043 approving three Specific Use Permits (SUPs) to allow the property owner to reside in the existing 2,466 square-foot home for the purpose of living and overseeing construction of a permanent residence, and to construct a 2,000 square-foot accessory structure, lots legally described as a portion of Tract 1D01, 1C and 1C01 of the William H Slaughter Survey, being approximately 5.69-acres, located at the northwest corner of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater (SF-36) and addressed as 901 Barbara Lane, with the following conditions:

1. The removal of the existing 2,466 square-foot main structure shall be within three months of the building final of the new main structure.
2. The Specific Use Permit allowing the applicant to reside in the existing main structure while the new main structure is being built shall expire within 18 months of this approval date.

The motion carried unanimously.

3. [Consider a resolution approving a Site Plan Amendment for Chick-Fil-A, a 4,779 square-foot restaurant with drive-thru on an approximately 11.960-acre tract of land, located on the south side of Keller Parkway \(F.M. 1709\), situated at the intersection of Rufe Snow Drive and Keller Parkway \(F.M. 1709\), being Lot 1R, Block A, Keller Town Center, at 1002 Keller Parkway, and zoned Town Center \(TC\). Regency Centers, LP, Owner. Interplan, LLC, Applicant/Developer. \(SP-21-0019\)](#)

Attachments: [110221_ChickFILA SP Amendment ProposedOrdinance.docx](#)
[110221_ChickFILA SP Amendment Exhibit A - Site Plan documents.pdf](#)
[Item H-3 Chick Fil A Site Plan Amendment](#)
[Presentation Chick Fil A Site Plan Amendment](#)

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin, to approve Resolution No. 4438 approving a Site Plan Amendment for Chick-Fil-A, a 4,779 square-foot restaurant with drive-thru on an approximately 11.960-acre tract of land, located on the south side of Keller Parkway (F.M. 1709), situated at the intersection of Rufe Snow Drive and Keller Parkway (F.M. 1709), being Lot 1R, Block A, Keller Town Center, at 1002 Keller Parkway, and zoned Town Center (TC). The motion carried unanimously.

4. [PUBLIC HEARING: Consider an ordinance approving an amendment to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to fence requirements; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, Applicant. \(UDC-21-0008\)](#)

Attachments: [110221_Proposed Ordinance UDC-21-0008 UDC Fence Amendment](#)
[110221 UDC Amendment Fences Redline Exhibit A.docx](#)
[Presentation UDC Fence Amendment](#)

Director of Community Development Julie Smith gave a presentation relating to the amendments to Fencing Requirements in the UDC.

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

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Sheri Almond, seconded by Mayor Armin Mizani, to approve with an amendment to remove Section 8.11, A., 4., c. property in the immediate vicinity also utilizes white vinyl or white wood post and rail fencing (i.e. Mount Gilead north of Bancroft).

Prior to the vote, a motion was made by Council Member Ross McMullin, seconded by Council Member Beckie Paquin, to amend the original motion to remove Section 8.11, A., 4., c. property in the immediate vicinity also utilizes white vinyl or white wood post and rail fencing (i.e. Mount Gilead north of Bancroft), and Section 8.11, A., 4., b. applicant's property is used for agricultural purposes or is immediately adjacent to agricultural uses.

The motion to amend failed by the following vote:

AYE: 3 - Council Member Beckie Paquin, Council Member Chris Whatley, and Council Member Ross McMullin

NAY: 4 - Mayor Armin Mizani, Council Member Shannon Dubberly, Mayor Pro Tem Sean Hicks, and Council Member Sheri Almond.

The original motion made by Council Member Sheri Almond, seconded by Mayor Armin Mizani, to approve Ordinance No. 2044 amending the City of Keller Unified

Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to fence requirements; authorizing publication; provide for penalties; and establishing an effective date, as proposed, with an amendment to remove Section 8.11, A., 4., c. property in the immediate vicinity also utilizes white vinyl or white wood post and rail fencing (i.e. Mount Gilead north of Bancroft) carried by the following vote:

AYE: 6 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Chris Whatley, and Council Member Ross McMullin.

NAY: 1 - Mayor Pro Tem Sean Hicks.

I. EXECUTIVE SESSION

Mayor Armin Mizani recessed the Regular Meeting at 8:02 P.M. so that the City Council could meet in Executive Session in accordance with State Law.

1. Section 551.074, Texas Government Code - Personnel Matters.

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;.

a. City Manager

2. Adjourn into Open Meeting.

Mayor Armin Mizani adjourned the Executive Session back into the Open Meeting at 10:00 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular Meeting at 10:00 P.M.

Mayor

City Secretary