



City of Keller

City Council

Meeting Minutes

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

Tuesday, September 19, 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 5:02 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Council Member Sean Hicks (arrived at 5:15 P.M.)
Council Member Jessica Juarez
Council Member Tag Green
Council Member Chris Whatley (arrived at 5:09 P.M.)
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, Assistant Director of Public Works Chad Bartee, Director of Community Development Sarah Hensley, Director of Human Resources Marcia Reyna, Director of Economic Development Mary Culver, Police Chief Bradley G. Fortune, 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 5:06 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 551.087, 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. [137 E. Hill Street](#)
- b. [957 Keller Parkway](#)

2. Adjourn into Open Meeting.

Mayor Armin Mizani adjourned the Executive Session and called the Pre-Council Meeting back to order at 6:37 P.M.

3. Action on Executive Session Items 1a, 2a, and 2b if necessary.

No action was taken.

D. WORK SESSION

1. [Discuss upcoming City Council meeting schedule and possible conflicts with holidays.](#)

Attachments: [Nov Dec Jan Dates](#)

City Secretary Kelly Ballard provided a calendar to the City Council to examine for possible scheduling conflicts. Meeting dates and the upcoming Holidays were discussed. The City Council canceled the January 2, 2024 City Council meeting and will determine canceling other meetings at a later time.

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

The City Council discussed Boards and Commissions and plans to provide guidance to the Senior Board. Upcoming Board and Commission applications and the interview process was also discussed.

3. [Town Center Vision Discussion](#)

Attachments: [Resolution No. 1062 \(Includes 1998 Town Center Description for TIRZ No. 1\)](#)
[UDC Section 8.17-8.18 TownCenter and Town Center Medical](#)

Community Development Director Sarah Hensley and Economic Development Director Mary Culver gave a presentation relating to the Vision of the Town Center. City Council discussed Town Center location, properties within Town Center, the original vision of Town Center, and the Town Center vision statement. Ms. Hensley and Ms. Culver answered Council questions about service definitions. The City Council agreed to adopt a Medical Spa definition and will determine other possible service locations at a later date.

4. [Façade Improvement Grant Update and Policy Discussion](#)

Attachments: [FIG Packet FINAL 2023 review](#)

This discussion will take place at a later time.

E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:55 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

Mayor Mizani reconvened the Pre-Council Meeting at 8:17 P.M, and adjourned the Pre-Council Meeting at 9:26 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 7:05 P.M.

B. INVOCATION

Reverend Estee Valendy, Co-Senior Pastor, Keller United Methodist 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. PROCLAMATIONS & PRESENTATIONS

1. [Recognition of Police Captain Chad Allen](#)

Mayor Armin Mizani presented a Certificate of Appreciation, and Police Chief presented a Recognition Plaque to Police Captain Chad Allen for 17 years of service with the Keller Police Department.

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 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 Jessica Juarez, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, September 5, 2023 Regular City Council Meeting.](#)

Attachments: [090523 Minutes](#)

Approved.

2. [Consider a resolution approving the bid from Cole Construction, of Fort Worth, Texas, for general park improvements to Bates Street Park, for the Parks and Recreation Department; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [091923 Bates Street Park Improvements Resolution](#)
[091923 2023-09-06 Bates St Park Bid Recommendation](#)
[091923 2023-09-06 Bates St Park Bid Tab](#)
[091923 2023-07-06 Bates Street Park OPCC](#)
[091923 Cole Construction](#)
[091923 2022-05-25 Bates Street Park Rendering](#)

Resolution No. 4702 hereby approves the bid for general park improvements at Bates Street Park, from Cole Construction of Fort Worth, Texas; in the amount of \$734,288.00, for the Parks and Recreation Department, and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

3. [Consider a resolution approving a contract with The Berkley Group, of Bridgewater, Virginia for as-needed professional planning and training services, for the Community Development Department; and authorizing the City Manager to execute all contract documents on behalf of the City of Keller, Texas.](#)

Attachments: [091923 PlanningServices Resolution](#)
[091923 PlanningServices ExhibitA](#)

Resolution No. 4703 approves a contract with The Berkley Group, of Bridgewater, Virginia, to provide professional planning and training services, for the Community Development Department, in the total amount of \$69,000.00 for FY 2023-24; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

4. [Consider a resolution authorizing an Interlocal Agreement for Police Services with the Town of Westlake, Texas, for a five-year term from October 1, 2023 through September 30, 2028.](#)

Attachments: [091923 Police Svcs with Westlake Resolution](#)
[091923 Police Svcs with Westlake Exhibit A](#)

Resolution No. 4704 approves an Interlocal Agreement for Police Services with the Town of Westlake, Texas, for a five-year term from October 1, 2023 through September 30, 2028; and the Town of Westlake shall pay the sum of \$1,208,277.00 dollars to Keller for police services for the twelve-month period beginning October 1, 2023 and ending September 30, 2024, said sum to be paid in four (4) equal installments of \$302,069.25 beginning October 1, 2023.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Consider a resolution approving a Site Plan with variances for new sport fields and renovations to existing fields, for the Keller Sports Park, an existing sports complex, on an approximately 192-acre property, legally described as Lot 1, Block 1, Keller Athletic Complex Addition, Abstract 457, Tract 14D of the John Edmonds Survey and Abstract 70 Tract 7C of the Jesse Billingsley Survey, located on the south side of Golden Triangle Blvd, southwest of the South Main Street and Keller Parkway intersection, zoned Single Family Residential 36,000 square-foot lots \(SF-36\), Single Family Residential 8,400 square-foot lots \(SF 8.4\) and Commercial \(C\) and addressed as 265 Golden Triangle Blvd, Parkhill, Applicant: City of Keller, Owner. \(SP-23-0021\)](#)

Attachments: [091923 Sports Park Site Plan Resolution](#)
[091923 Sports Park SP Exhibit A-Site Plan](#)
[091923 Sports Park SP Application Redacted](#)
[H-1 Keller Sports Park Site Plan](#)

Planning Consultant Iván Gonzales gave a presentation relating to a request for a Site Plan with variances for new sport fields and renovations to existing fields, for the Keller Sports Park, at 265 Golden Triangle Blvd, for the City of Keller.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, to approve Resolution No. 4705 approving a Site Plan with variances for new sport fields and renovations to existing fields, for the Keller Sports Park, an existing sports complex, on an approximately 192-acre property, legally described as Lot 1, Block 1, Keller Athletic Complex Addition, Abstract 457, Tract 14D of the John Edmonds Survey and Abstract 70 Tract 7C of the Jesse Billingsley Survey, located on the south side of Golden Triangle Blvd, southwest of the South Main Street and Keller Parkway intersection, zoned Single Family Residential 36,000 square-foot lots (SF-36), Single Family Residential 8,400 square-foot lots (SF 8.4) and Commercial (C) and addressed as 265 Golden Triangle Blvd, is approved with the following variances:

1. **A variance to UDC requirement for a ten-foot (10') landscape buffer west of the proposed parking lot at the Rugby/Multipurpose field shall be allowed. The buffer**

is offset six-feet (6 ft) from the property line at the lower right corner adjacent to the land leased from the City by the Blue-Sky sports facilities.

2. Per UDC Section 9.03, all parking lot islands must be a minimum of nine feet (9') in width and twenty feet (20') in length. A variance to keep the existing parking islands the same size to maintain parking count shall be allowed.

3. The UDC states no more than twelve (12) consecutive parking spaces shall be allowed without the interruption of a landscaped island. A variance to keep the existing parking lot spaces to maintain parking count shall be allowed. Landscape has been added along the edge of existing parking spaces.

4. The UDC requires an island the size of one (1) parking space shall contain one (1) large three-inch (3") caliper canopy tree and an island the size of two parking spaces shall contain two (2) large three-inch (3") caliper trees. Variance to not provide the required trees in parking lot islands shall be allowed.

5. The UDC requires a minimum of 15% of all parking lots shall be landscaped. Variance to keep the existing parking spaces to maintain the parking count shall be allowed. Additional planting has been added along the edge of the parking lot to help soften the space.

The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving a Planned Development \(PD\) amendment and rezoning a portion 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. \(Z-23-0005\)](#)

Attachments: [091923 Birch PD Amendment Proposed Ordinance](#)
[091923 Birch PD Amendment Ordinance 1845 \(2017 Amendment\)](#)
[091923 Birch PD Amendment Ordinance No. 1822 \(2016 PD Approval\)](#)
[091923 Birch PD Amendment Application](#)
[091923 Birch PD Amendment Existing Conditions](#)
[091923 Birch PD Amendment Staff Attachment A](#)
[091923 Birch PD Amendment MAPS](#)
[091923 Birch PD Amend Summary](#)
[091923 Birch PD Exhibit A](#)
[091923 Birch PD Amendment Public Response](#)
[H-2 Birch PD Amendment](#)

Director of Community Development Sarah Hensley gave a presentation relating to a request for a Planned Development (PD) amendment and rezoning a portion to Single Family Residential-36,000 square-foot lots, for The Birch Racquet and Lawn Club, at 660 Keller Smithfield Road.

Mayor Armin Mizani opened the public hearing.

The following individuals expressed their thanks to the City Council and to Mr. Taylor Dent for working with the Rocky Top Ranch supporters to ensure that their interests were taken into consideration: Mr. Chad Swanson, 610 Lasalle Drive; Ms. Amy Galilio, 4208 Grayhawk; Mr. Clay Cabaniss, 8809 Stirrup Way; and Ms. Brittainy Fink, 313 Sioux Street.

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

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, approving Ordinance No. 2142 amending a Planned Development (PD) and rezoning a portion to Single Family Residential-36,000 square-foot lots, for The Birch Raquet 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, including original variances and conditions adopted by Ordinance 1845 on May 16, 2017:

- 1. The variance request to allow the additional uses of Clubhouse, Restaurant and Bar, Office, Spa Room, and Family Lodgings shall be allowed.**
- 2. The condition proposed to limit the hours of operation to 6:00 a.m. to 12:00 a.m. daily shall be required. Activities during the business hours between 6:00 a.m. to 7:00 a.m. shall be restricted to indoor activities only.**

3. The condition proposed to limit the hours of tennis court lights to 8:00 a.m. to 10:00 p.m. daily shall be required. Regulated hours will not apply to permanent court buildings.
4. The condition proposed to limit delivery hours are limited to 7:30 a.m. to 7:30 p.m. daily shall be required.
5. The variance request to allow the use of batten board siding made from hardwood, fiber cement board, or PVC shall be allowed.
6. The variance request to allow a flat roof on the Clubhouse only shall be allowed.
7. The condition proposed to limit the building colors to earth tones, meaning natural colors of stone and wood, or shades of grey shall be required.
8. The condition proposed to require a minimum thirty-five percent (35%) percent of elevations shall be stone or stone veneer for the Clubhouse shall be required.
9. The variance request to allow the height of accessory structures to not exceed thirty feet (30') in average height shall be allowed.
10. The condition proposed to limit the number and square footage of accessory structures to not more than twenty-seven (27) total accessory structures, not to exceed 5,000 square feet combined shall be required.
11. The condition proposed to require that accessory structures must be setback a minimum of sixty feet (60') from all property lines shall be required.
12. The condition proposed to require that accessory structures shall be the same color and material as primary structures, however, pavilions and shade structures shall be constructed of wood or metal, if metal is used then support post shall be clad in a veneer to match the stone and batten board siding of new structures shall be required.
13. The condition proposed to require that roofs of pavilions or shade structures shall be standing seem metal or canvas shall be required.
14. The variance request to allow a living screen in lieu of a masonry wall on the south, west and north property lines adjacent to residential development shall be allowed. This living screen shall consist of pipe-rail fencing, large evergreen shrubs planted six feet (6') on center at four feet (4') in height along the north and west property lines and six feet (6') in height along the south property line at time

of planting, the required thirty foot (30') landscape buffer, and the four-inch (4") caliper large canopy buffer trees planted every thirty feet (30') on center. Additional mature landscape coverage along the south property line for screening of automobile traffic shall be required.

15. The condition proposed to limit light pole heights for tennis courts to twenty-five feet (25') in height shall be required.

16. The condition proposed that no Tennis Court lights within one hundred fifty feet (150') of residential shall be on after 9:00 p.m. shall be required. Regulated hours will not apply to courts within a permanent court building.

17. Tennis Court Lights shall be dark sky rated and full cutoff lights.

18. The variance to Section 8.06 (A.2) to allow the use of metal panel exterior with "batten board" appearance for the permanent court buildings shall be allowed.

19. The variance to Section 5.22 to allow the power lines to remain overhead during Phase 1 and be buried with Phase 2 shall be allowed.

The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving certain amendments to the Fiscal Year 2022-23 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter.](#)

Attachments: [091923 FY 23 Budget Amend](#)
[Item H-3 Budget Amendment](#)

Director of Administrative Services Aaron Rector gave a presentation relating to the request for amendments to the Fiscal Year 2022-23 Annual Operating Budget and the Fiscal Year 2022-23 Capital Improvements Program.

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 Tag Green, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2140 approving certain amendments to the Fiscal Year 2022-23 Annual Operating Budget and the Fiscal Year 2022-23 Capital Improvements Program, in accordance with Article VIII, Section 8.13, of the Keller City Charter. The motion carried unanimously.

4. [PUBLIC HEARING: Consider an ordinance adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024, including the 2023-24 Capital Improvements Program, and adopting the Fiscal Year 2023-24 Fee Schedule for the City of Keller, Texas.](#)

Attachments: [091923 Budget Adopt Ord](#)
[091923 FY24 Fee Schedule](#)
[Items H-4 - H-6 Budget and Tax Rate](#)

Director of Administrative Services Aaron Rector gave a presentation relating to adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024, including the 2023-24 Capital Improvements Program, and adopting the Fiscal Year 2023-24 Fee Schedule.

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 Jessica Juarez, 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. 2139 adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024, including the 2023-24 Capital Improvements Program, and adopting the Fiscal Year 2023-24 Fee Schedule for the City of Keller, Texas. The motion carried unanimously.

5. [Consider a resolution ratifying the tax revenue for the Tax Year 2023 \(Fiscal Year 2023-24\) for the City of Keller, Texas.](#)

Attachments: [091923 FY24 Tax Ratification Resolution](#)
[Items H-4 - H-6 Budget and Tax Rate](#)

Director or Administrative Services Aaron Rector gave a presentation relating to ratifying the 2023 (Fiscal Year 2023-24) property tax revenue as reflected in the adopted budget for Fiscal Year 2023-24 for the City of Keller, Texas, as follows:

General Fund (Maintenance & Operations) - \$19,929,589

Debt Service Fund - \$3,978,747

TIRZ Fund - \$154,110

Total - \$24,062,446

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4706 ratifying the tax revenue for the Tax Year 2023 (Fiscal Year 2023-24) for the City of Keller, Texas. The motion carried unanimously.

6. [Consider an ordinance levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2023 \(Fiscal Year 2023-24\).](#)

Attachments: [091923 FY24 Tax Rate Adopt Ord](#)
[Items H-4 - H-6 Budget and Tax Rate](#)

Director of Administrative Services Aaron Rector gave a presentation relating to levying taxes to be assessed on all taxable properties within the city limits of the City of Keller for

the Tax Year 2023.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Jessica Juarez, to approve Ordinance No. 2141 levying taxes on each One Hundred Dollars (\$100.00), of taxable valuation on all taxable property within the city limits of the City of Keller, Texas, to be assessed and collected by the Tax Assessor/Collector for the tax year 2023 (Fiscal Year 2023 24) for the purposes stipulated:

For the General Fund Maintenance and Operations levied on the \$100.00 of taxable valuation: \$0.260403

For the Interest and Sinking Fund levied on the \$100.00 of taxable valuation: \$0.051597

Total Tax Rate: \$0.312000

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.
 - a. [660 Keller Smithfield Road.](#)
2. 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. [137 E. Hill Street](#)
 - b. [957 Keller Parkway](#)

2. Adjourn into Open Meeting.
3. Action on Executive Session Items 1a, 2a, and 2b if necessary.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular City Council Meeting at 8:12 P.M. to continue the Work Session.

Mayor

City Secretary