



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 2, 2022

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
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 Secretary Kelly Ballard, City Attorney Matthew Butler, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Community Services Cody Maberry, Director of Community Development Julie Smith, Director of Human Resources Marcia Reyna, Economic Development Specialist Siale Langi, Police Chief Bradley G. Fortune, Fire Marshal Debra Crafton, and Deputy Fire Chief Shane Gainer.

Mayor Armin Mizani expressed his sympathy to City Manager Mark Hafner regarding the recent passing of his wife, Jill.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Executive Session was not held during the Pre-Council Meeting.

D. WORK SESSION

1. [Capital Improvement Projects Update](#)

Director of Public Works Alonzo Liñán addressed the City Council with an update to current Capital Improvements Projects.

2. [Budget Strategic Planning - Tax and Proposed Budget Update](#)

Attachments: [Item D-2 Budget Update Presentation](#)

Director of Administrative Services Aaron Rector gave a presentation relating to property taxes and a proposed budget update.

Council Member Tag Green requested more information relating to the percentage of homes in the City that are homesteaded, and also information relating to department staffing requests.

3. [Flag Lot Discussion](#)

Community Development Director Julie Smith and Public Works Director Alonzo Liñán, led a discussion regarding the development of Flag Lots.

4. [Discussion related to recommendations of the Capital Improvements Advisory Committee \(CIAC\) on the Updated Impact Fee Study and Major Thoroughfare Plan Study.](#)

Attachments: [Work Session - Impact Fees & MTP presentation](#)

Director of Public Works Alonzo Liñán gave a presentation relating to recommendations of the Capital Improvements Advisory Committee (CIAC) on the Updated Impact Fee Study and Major Thoroughfare Plan Study.

E. ADJOURN

Mayor Armin Mizani introduced Caleb and Carson Raef, who served as Mayors for a Day in the City of Keller.

Mayors for a Day Caleb and Carson Raef recessed the Pre-Council Meeting at 6:56 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

The Pre-Council Meeting was adjourned at 10:57 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayors for a Day Caleb and Carson Raef called the Regular City Council Meeting to order at 7:04 P.M.

B. INVOCATION - Pastor John Salvesen, Bear Creek Bible Church

Pastor John Salvesen, Bear Creek Bible 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. [Mayor for the Day](#)

Mayor Armin Mizani presented Certificates of Recognition to Caleb and Carson Raef for serving as Mayors for the Day in the City of Keller.

2. [School Safety Presentation](#)

Attachments: [School Safety Update 2022-2023](#)

Chief of Police Bradley G. Fortune gave a presentation regarding School Safety.

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. David Dewald, 208 Harper Lane; and Mr. Ned Brown, 1813 Krokus Drive expressed their concerns regarding Agenda Item H-4, relating to the Noise Ordinance.

The following individuals expressed their concerns with Agenda Item H-3 relating to the Pearson Crossing street connection to the proposed Winding Creek Addition: Ms. Kathy May, 1846 Pearson Crossing; Ms. Brittney Orren, 1838 Pearson Crossing; Ms. Marci Lasiter, 1831 Pearson Crossing; Ms. Cheryl Sanders, 1903 Pearson Crossing; Mr. Mark Wright, 325 Stansbury Drive; Mr. Dale Chaney, 1841 Pearson Crossing; Mr. Ryan Espiritu, 1849 Pearson Crossing; Ms. Sarah Page, 314 Crossing Court; Mr. Don Dinger, 1908 Pearson Crossing; Mr. Jeff Agold, 1916 Pearson Crossing; and Mr. Bruce Bower, 1845 Pearson Crossing.

Mr. Chris Wroble, 907 Shoreline, expressed his desire for dedicated police officers at all school schools, to include elementary schools.

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, July 19, 2022 Regular City Council Meeting.](#)

Attachments: [071922 Minutes.pdf](#)

Approved.

2. [Consider a resolution approving the purchase of engineering services for the Indoor Pool Deck construction from Wiss, Janney, Elstner Associates, Inc of Northbrook, IL, for The Keller Pointe Recreation and Aquatic Center; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [080222 KellerPointePool Plans](#)
[080222 PhaseAndPriceBreakdown](#)
[080222 IndoorPoolDeckEngineering_ProposedResolution](#)

Resolution No. 4538, approves an agreement for engineering services with Wiss, Janney, Elstner Associates, Inc., of Northbrook, Illinois in the total amount of \$67,004.01 relating to the Indoor Pool Deck construction project for The Keller Pointe Recreation and Aquatic Center; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits \(SUPs\) to allow the property owner to construct an Accessory Dwelling Unit on approximately 2.02 acres of land, approximately 700 feet northwest of the intersection of South Pearson Lane and Union Church Road, legally described as Lot 1, Block A of Rockwell Addition, Zoned Single-Family 36,000 square-feet or greater \(SF-36\), and addressed 336 S. Pearson Lane. Stephen O'Roark, Owner/Applicant. \(SUP-22-0022\)](#)

Attachments: [080222 336 S Pearson ADU ORDINANCE](#)
[080222_336SPearsonSUP_AerialandZoning.pdf](#)
[080222 336SPearson SUP.pdf](#)
[Item H-1 - 336 S Pearson Presentation](#)

Community Development Director Julie Smith gave a presentation relating to a request for two Specific Use Permits (SUPs) to allow the property owner to construct an Accessory Dwelling Unit on approximately 2.02 acres of land, at 336 S. Pearson Lane.

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. 2081 approving two Specific Use Permits (SUPs) to allow the property owner to construct an Accessory Dwelling Unit on approximately 2.02 acres of land, approximately 700 feet northwest of the intersection of South Pearson Lane and Union Church Road, legally described as Lot 1, Block A of Rockwell Addition, Zoned Single-Family 36,000 square-feet or greater (SF-36), and addressed 336 S. Pearson Lane. The

motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to allow the use of light manufacturing/warehousing, wholly enclosed in a building, for the Penguin Patch, in an approximately 36,000 square-foot space for Phase I and approximately 5,500 square-foot space for Phase II, on the 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, Penguin Patch, Applicant. Michael L. Moore, Owner. \(SUP-22-0024\)](#)

Attachments: [080222 Penguin Patch SUP ORDINANCE](#)
[080222 PenguinPatchSUP AerialandZoning](#)
[080222 Penguin Patch SUP Staff Attachment A](#)
[080222 Penguin Patch SUP Staff Attachment B](#)
[Item H-2 - Penguin Patch SUP Presentation](#)

Director of Community Development Julie Smith gave a presentation relating to the request for a Specific Use Permit for the Penguin Patch to be allowed to utilize the use of a warehouse at 721 Chisholm Trail.

Mayor Armin Mizani opened the Public Hearing.

Ms. Tonya Wilson, 5536 Flynn Court, Fort Worth TX 76137, expressed her support for the proposal.

The following individuals expressed opposition to the proposal: Mr. Paul Benson, 737 Santa Fe Trail; and Mr. Tim Moser, 309 La Quinta Circle North.

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

A motion was made by Council Member Tag Green, seconded by Council Member Jessica Juarez, to approve Ordinance No. 2082 approving a Specific Use Permit (SUP) to allow the use of light manufacturing / warehousing, wholly enclosed in a building, for the Penguin Patch, in an approximately 36,000 square-foot space for Phase I and approximately 5,500 square-foot space for Phase II, on the 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, with the following condition:

1. **The final Site Plan shall be presented to the City Council for approval at a later date.**

The motion carried unanimously.

3. [Consider a resolution approving a Preliminary Site Evaluation with two variances for Winding Creek Addition, a proposed ten single-family residential lot and one open space lot subdivision, on 12.21 acres of land on the south side of Johnson Road, approximately 1,800 feet from the intersection of Johnson Road and North Pearson Road, being tracts 1D and a portion of 1D01, Abstract 1153 out of the John Martin Survey, zoned Single-Family Residential 36,000 square-foot minimum lot sizes or greater \(SF-36\), and addressed 1808 Johnson Road and a portion of 1816 Johnson Road. Cary Clarke, Devane Clarke Partnership, Ltd., Owner/Applicant. \(PSE-22-0003\)](#)

Attachments: [080222 Winding Creek PSE RESOLUTION](#)
[080222 Winding Creek PSE Maps](#)
[080222 Winding Creek PSE Exhibit A Preliminary Site Evaluation](#)
[080222 Staff Attachment Winding Creek Connection Opposition.pdf](#)
[Item H-3 - Winding Creek PSE Presentation](#)

Director of Community Development Julie Smith gave a presentation relating to the request for a Preliminary Site Evaluation with two variances for Winding Creek Addition at 1808 and a portion of 1816 Johnson Road. The variances that are being requested are to the depths of two of the lots in order to align the street with Greenbriar Drive. Mrs. Smith stated that staff supports the variances requested because of the importance of aligning the proposed street with Greenbriar Drive and because both lots exceed the minimum square footage of the SF-36 zoning district.

Mr. Cary Clarke, property owner and applicant, and Mr. Clayton Redinger, engineer, addressed the City Council regarding the proposal.

Discussion was held by the City Council regarding the possibility of gating the Pearson Crossing neighborhood, the potential for cut-through traffic from Johnson Road to Pearson Lane, and possible requirements of cul-de-sacs.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to table the request for a Preliminary Site Evaluation with two variances for Winding Creek Addition, at 1808 Johnson Road and a portion of 1816 Johnson Road. The motion carried unanimously.

4. [Consider an ordinance approving an amendment to the City of Keller Code of Ordinances Chapter 10 - Miscellaneous Provisions by amending Article VIII - Noise Ordinance; providing a repealing clause; providing a maximum penalty of \\$200.00; providing a severability clause; and establishing an effective date.](#)

Attachments: [080222 Noise Ordinance ORDINANCE](#)
[080222 Noise Ordinance Exhibit A REDLINE](#)
[080222 Noise Ordinance Exhibit A CLEAN](#)
[Item H-4 - Noise Ordinance Presentation](#)

Director of Community Development Julie Smith gave a presentation relating to possible amendments to the City of Keller Noise Ordinance that came from the discussion held by the City Council and Community Development and Police Department staff at the June 7,

2022 Work Session.

Mrs. Smith stated that it was recommended by City Council to remove the existing reasonableness statute for evaluating noise nuisances, and that staff is proposing the following changes to daily cutoff times for outdoor music in commercial districts that include residential uses:

Sunday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Monday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Tuesday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Wednesday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10 p.m.

Thursday: Between 10:00 a.m. to ~~2:00 a.m.~~ 10 p.m.

Friday: Between 10:00 a.m. to ~~2:00 a.m.~~ 12:00 a.m. the following Saturday morning

Saturday: Between 10:00 a.m. to ~~2:00 a.m.~~ 12:00 a.m. the following Sunday morning

Discussion was held by the City Council regarding the cutoff times for different days, the number of complaints, and methods to measure compliance.

Council Member Chris Whatley volunteered himself to be available to restaurants and bars in Old Town Keller that host live music, and nearby residents to discuss possible compromises.

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, to table the request for amendments to the City of Keller Noise Ordinance. The motion carried unanimously.

5. [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 3 - Definitions and Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to indoor and outdoor entertainment; authorizing publication; providing a penalty; and establishing an effective date. City of Keller, applicant. \(UDC-22-0004\)](#)

Attachments: [080222 UDC Amend Entertainment ORDINANCE](#)

[080222 UDC Amendment-Entertainment Exhibit A USE CHART](#)

[080222 UDC Amendment-Entertainment Exhibit A Definitions](#)

[Item H-5 - UDC Amendment Entertainment Presentation](#)

Assistant Director of Community Development Sarah Hensley gave a presentation relating to possible amendments to the Unified Development Code, relating to indoor and outdoor entertainment.

Mayor Armin Mizani opened the Public Hearing.

Mr. Tim Moser, 309 La Quinta Circle North, addressed the City Council with concerns relating to the public notification methods of changes to the Unified Development Code.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Sean Hicks, 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. 2083 approving an amendment to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 3 - Definitions and Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to indoor and outdoor entertainment; authorizing publication; providing a penalty; and establishing an effective date. The motion carried by the following vote:

YEA: 6 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Jessica Juarez, Council Member Tag Green, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin.

NAY: 1 - Council Member Sean Hicks.

6. [Consider a resolution of the City Council for the City of Keller, Texas, calling for a Public Hearing on Tuesday, September 6, 2022, to consider the updated Major Thoroughfare Plan.](#)

Attachments: [080222 MTP Resolution](#)
[080222 MTP PublicNotice](#)

Director of Public Works Alonzo Liñán gave a presentation relating to the public hearing scheduled for September 6, 2022, to consider the updated Master Thoroughfare Fare Plan.

A motion was made by Council Member Sean Hicks, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4539 calling for a Public Hearing on Tuesday, September 6, 2022, to consider the updated Major Thoroughfare Plan. The motion carried unanimously.

7. [Consider a resolution of the City Council for the City of Keller, Texas, calling for a Public Hearing on Tuesday, September 6, 2022, to consider amendments to the City of Keller Land Use Assumptions, Capital Improvements Plan, and Impact Fees.](#)

Attachments: [080222 Impact Fee Public Hearing Notice](#)
[080222 ImpactFees Resolution](#)

Director of Public Works Alonzo Liñán gave a presentation relating to the public hearing scheduled for September 6, 2022, to consider amendments to the City of Keller Land Use Assumptions, Capital Improvements Plan, and Impact Fees.

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4040 calling for a Public Hearing on Tuesday, September 6, 2022, to consider amendments to the City of Keller Land Use Assumptions, Capital Improvements Plan, and Impact Fees. The motion carried unanimously.

YEA: 6 - Mayor Armin Mizani, Council Member Sean Hicks, Council Member

Jessica Juarez, Council Member Tag Green, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin.

NAY: 1 - Council Member Shannon Dubberly.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular City Council Meeting at 10:14, and returned to the Work Session at 10:18 P.M.

Mayor

City Secretary