



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 3, 2021

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 5:01 P.M.

The following City Council Members were present:

Mayor Armin Mizani

Council Member Shannon Dubberly (by teleconference and videoconference)

Mayor Pro Tem Sean Hicks

Council Member Sheri Almond

Council Member Ross McMullin

Council Member Beckie Paquin and Council Member Chris Whatley were absent.

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 Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Information Technology Sean Vreeland, Director of Economic Development Mary Culver, Administrative Services Manager Sarah Hensley, and Police Chief Bradley G. Fortune and Interim Fire Chief Richard Whitten.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Mayor Armin Mizani adjourned the Pre-Council Meeting at 5:12 P.M. so that the City Council could meet in Executive Session in accordance with State Law.

- 1. Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.**

- a. Old Town Keller Phase II - Elm Street Improvements Project**

- 2. Adjourn into Open Meeting.**

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

- 3. Action on Executive Session Item 1 if necessary.**

No action was taken.

D. WORK SESSION

Mayor Mizani recessed the Work Session at 6:54 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

Mayor Mizani reconvened the Work Session at 8:29 P.M.

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

Director of Administrative Services Aaron Rector gave a presentation relating to the proposed FY 2021-22 Operating Budget in the amount of \$100,028,492. Mr. Rector addressed the City Council by stating that the proposed budget is operationally balanced and meets City Council goals and directions. Other highlights of the proposed budget include: an increase to the Homestead Exemption from 14% to 20%, Proposing Tax Rate under "No New Revenue" Rate, Total Personnel increase under 4%, Significant investment in streets and sidewalk infrastructure = \$9.1M, Bates Street Park = \$685K, Detention Officer = \$30,123 (cost split between regional partners), City water & wastewater rate adjustments by 1.5%, Fire Engine Replacement = \$1.4M, and it maintains all replacement funding.

Mr. Rector announced that the City Council will vote on the maximum tax rate on August 17, 2021, conduct a budget work session on August 26, 2021, and then adopt the budget on September 21, 2021.

2. ["Zoning 101, Part 2" Discussion](#)

Community Development Director Julie Smith gave a presentation relating to the roles of the Zoning Board of Adjustment, the Planning and Zoning Commission, and the City Council. Differences between Future Land Use versus Zoning, Comprehensive Plans, Unified Development Code (UDC), and types of zoning were also described. Mrs. Smith suggested that the City Council discuss the following topics in future Work Sessions for possible amendments: Land Use Law and Zoning Regulations, Accessory Structures (size and SUP requirement), Food Truck Ordinance, Short-Term Rentals and Accessory Dwelling Units, Adoption of the 2021 ICC (Building) Codes, OTK and TC Boundaries. Mrs. Smith also gave an overview of the UDC Amendment Process, Zoning Regulations, and factors to be considered for Zoning decisions.

3. [Discussion in regards to FLUP and Zoning amendment options for Highland Terrace](#)

Community Development Director Julie Smith gave a presentation relating to the Future Land Use Plan (FLUP) and Zoning amendment options for Highland Terrace. The surrounding Zoning Districts were identified as: North: SF-36, South: SF-36, West: PD-1420-SF-20, and East: SF-36. The surrounding FLUP Designations were identified as: North: LD-SF, South: LD-SF, West: MD-SF, and East: LD-SF. Zoning regulations were compared for the current SF-36 zoning district, the proposed SF-8.4 zoning district, Option A: SF-20 zoning district, and Option B: SF-15 zoning district. The City Council directed city staff to present the options to the Planning and Zoning Commission at a Joint Work Session with the City Council, to be held on Tuesday, August 24, 2021 at 5:00 P.M.

4. [Discuss Splash Pads](#)

Mayor Armin Mizani opened a discussion relating to possible splash pads in the City. The City Council directed staff to bring the topic of splash pads to the Parks and Recreation Board.

E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:54 P.M. with the intent to reconvene after the conclusion of the Regular Meeting.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 10:30 P.M

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

B. INVOCATION

Pastor Jason Valendy, Keller United Methodist Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Armin Mizani led the Pledge to the United States Flag and 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 Keller High School Varsity Baseball Team, 6A UIL State Championship Runner-ups](#)

The Mayor and City Council Members recognized The 2021 Keller High School Varsity Baseball Team, 6A UIL State Championship Runner-ups: Todd Baffa, Griffin Barton, Jackson Berg, Aidan Connors, Robert Cranz, Michael Dattalo, Braden Davis, Zach Erdman, Hayden Goldsmith, Zach Gonzalez, Blake Hadsell, Eric Hammond, Max Miller, Trey Orman, Niko Pecskovszky, Fisher Polydoroff, Christian Robb, Gray Rowlett, Aidan Sharp, Dawson Simmons, Grant Simpson, Ryan Smith, Jacob Sullens, Clayton Thomas, Whit Thoms, Charles Tomlinson, Colten Vargas, Grayson Viers, Keever Vincent, and Alex Vo.

Coached by: Rob Stramp, Jared Stafford, Chris Roberts, Eric Perkins and Ryan Jordan.

2. [Recognition of Vivinsha Veduru, Regional Spelling Bee Champion](#)

The Mayor and City Council Members recognized Miss Vivinsha Veduru for her achievements in being the Regional Spelling Bee Champion, and a finalist in the Scripps National Spelling Bee.

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. Josh Brown, CryoNation, 1627 Keller Parkway Suite 300, expressed his frustration with the development process.

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 Sean Hicks, seconded by Council Member Sheri Almond, to approve items 1-4 of the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, July 20, 2021 Regular City Council Meeting.](#)

Approved

2. [Consider a resolution approving an Interlocal Agreement with the Cities of Burleson, Haltom City, Richland Hills, Watauga, the Benbrook Library District, and the Forest Hill Library District for Reciprocal Lending of Library Materials; and authorizing the City Manager to execute all documents relating thereto, on behalf of the City of Keller, Texas.](#)

Resolution No. 4391 approves an Interlocal Agreement with the Cities of Burleson, Haltom City, Richland Hills, Watauga, the Benbrook Library District, and the Forest Hill Library District for Reciprocal Lending of Library Materials; and authorizes the City Manager to execute all documents relating thereto, on behalf of the City of Keller, Texas.

3. [Consider a resolution approving an Interlocal Agreement for Mutual Access to Cloud Library Digital Resources; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4392 approves an Interlocal Agreement for Mutual Access to Cloud Library Digital Resources; and authorizes the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

4. [Consider a resolution amending Resolution No. 4374, approved on July 6, 2021, creating a Keller Sports Park Task Force, by changing the Keller Horse Owner's Association Representative on said Keller Sports Park Task Force.](#)

Resolution No. 4393 appoints Courtney Waid, Keller Horse Owner's Association, as a member of the Keller Sports Park Task Force.

5. [Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 205 S. Elm St., Church of Christ Addition, Block A Lot 1A, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating](#)

thereto on behalf of the City of Keller, Texas.

No Action Taken

6. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 209 S. Elm St., Samuel Needham Survey Abstract 1171 Tract 12D, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

7. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 211 S. Elm St., Samuel Needham Survey Abstract 1171 Tract 12E, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

8. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 213 S. Elm St., Samuel Needham Survey Abstract 1171 Tract 12F, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

9. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 303 S. Elm St., Samuel Needham Survey Abstract 1171 Tract 14B and 14B1, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

10. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 311 S. Elm St., Samuel Needham Survey Abstract 1171 Tract 14A, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

11. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 320 S. Elm St., Bear Creek Commercial Addition Block 1 Lot 1R2, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

12. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 322 S. Elm St., Bear Creek Commercial Addition Block 1 Lot 1R, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller

Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

13. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 140 Whitley Road, Samuel Needham Survey Abstract 1171 Tract 19F, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

14. Consider a resolution authorizing the use of the power of Eminent Domain to acquire necessary property at 148 Pecan St., Bear Creek Commercial Addition Block 1 Lot 1A1, as necessary for the Elm St. Improvements Project as part of the overall Old Town Keller Phase II Project; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

No Action Taken

G. OLD BUSINESS - None

H. NEW BUSINESS

1. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, situated on a 1.16-acre tract of land, located on the north side of Keller Parkway (FM 1709), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A, Southwest LTC Addition, zoned Retail (R), located at 455 Keller Parkway. Crista Hubbard, owner. Las Palapas Keller, applicant. (SUP-21-0022)

Senior Planner Trish Sinel gave a presentation relating to the Specific Use Permit for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, at 455 Keller Parkway.

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

Council Member Sheri Almond asked when Las Palapas is planning to be opened. The applicant stated that they plan to open in January 2022.

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

A motion was made by Sean Hicks, seconded by Council Member Ross McMullin, to approve Ordinance No. 2028 approving a Specific Use Permit (SUP) for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, situated on a 1.16-acre tract of land, located on the north side of Keller Parkway (FM 1709), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A, Southwest LTC Addition, zoned Retail (R), located at 455 Keller Parkway (SUP-21-0022). The motion carried unanimously.

2. PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits (SUP) to

[allow the use of a Minor Medical Emergency Clinic and Spa uses, for UrgentCare2go and Zeal-To-Heal, both owned by Dr. Nilesh Nanigrani, in a 4,593 square-foot building, on 0.7604-acres, located on the south side of Bandit Trail, situated at the intersection of Davis Boulevard and Bandit Trail, located at 769 Bandit Trail, legally described as Lot 1, Block A, Davis Blvd Medical Center and zoned Retail \(R\). MANS 769 Bandit Trail LLC, owner/applicant. \(SUP-21-0023\)](#)

Senior Planner Trish Sinel gave a presentation relating to the request for two Specific Use Permits (SUP) to allow the use of a Minor Medical Emergency Clinic and Spa uses, for UrgentCare2go and Zeal-To-Heal, located at 769 Bandit Trail.

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

Dr. Nilesh Nanigrani, applicant, addressed the City Council regarding the proposal.

A motion was made by Sean Hicks, seconded by Council Member Ross McMullin, 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. 2029 approving two Specific Use Permits (SUP) to allow the use of a Minor Medical Emergency Clinic and Spa uses, for UrgentCare2go and Zeal-To-Heal, both owned by Dr. Nilesh Nanigrani, in a 4,593 square-foot building, on 0.7604-acres, located on the south side of Bandit Trail, situated at the intersection of Davis Boulevard and Bandit Trail, located at 769 Bandit Trail, legally described as Lot 1, Block A, Davis Blvd Medical Center and zoned Retail (R),(SUP-21-0023). The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits \(SUPs\) for a 1,600 square-foot accessory structure situated on a .87-acre tract of land, located on the north side of Valle Vista Court, approximately 275 feet northwest from the intersection of Valle Vista Court and Valle Vista Lane, legally described as Lot 24, Block 1 Valle Vista Addition, zoned Single Family - 36,000 square-foot lot \(SF-36\), located at 633 Valle Vista Court. Marc Gerth, Owner; Jeremy Grant, Applicant. \(SUP-21-0017\)](#)

Senior Planner Trish Sinel gave a presentation relating to the request for two Specific Use Permits (SUPs) for a 1,600 square-foot accessory structure, located at 633 Valle Vista Court.

Mr. Marc Gerth, Owner, addressed the City Council regarding the condition regarding the front elevation requiring 100% masonry, that was recommended by the Planning and Zoning Commission. Mr. Gerth stated he is agreeable with the other three conditions, but the 100% masonry is not being carried out with other accessory structures in his neighborhood.

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

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

A motion was made by Council Member Ross McMullin, seconded by Council

Member Shannon Dubberly, to approve Ordinance No. 2030 approving two Specific Use Permits (SUPs) for a 1,600 square-foot accessory structure situated on a .87-acre tract of land, located on the north side of Valle Vista Court, approximately 275 feet northwest from the intersection of Valle Vista Court and Valle Vista Lane, legally described as Lot 24, Block 1 Valle Vista Addition, zoned Single Family - 36,000 square-foot lot (SF-36), located at 633 Valle Vista Court (SUP-21-0017), with the following conditions:

1. Columns to be wrapped in brick or cedar.
2. Five gallon shrubs to be placed on both sides of the roll-up door.
3. The Bald Cypress in front of the structure will be protected during the construction phase.

The motion carried by the following vote:

AYE-4: Council Member Shannon Dubberly, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Ross McMullin.

NAY-1: Mayor Armin Mizani.

4. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for a 600 square-foot carport situated on a .67-acre tract of land, located on the north side of Lazy Lane, approximately 425 feet northeast from the intersection of Lazy Lane and N Pearson Lane, legally described as Lot 22, Block 3 Hickory Hollow Estates, zoned Single Family - 20,000 square-foot lot \(SF-20\), located at 2009 Lazy Lane. Marc Clemons, Owner/Applicant. \(SUP-21-0015\)](#)

[The Applicant has requested to table this item to the August 17, 2021 Regular City Council Meeting.](#)

Mayor Armin Mizani announced that the applicant for this item has requested to table the item to the August 17, 2021, Regular City Council Meeting.

A motion was made by Sean Hicks, seconded by Council Member Ross McMullin, to continue the public hearing to the August, 17, 2021 Regular City Council Meeting. The motion carried unanimously.

5. [PUBLIC HEARING: Consider an ordinance approving an amendment to a Specific Use Permit \(SUP\) for an ownership change Surgical Out-patient Facility, for SARC by HSH ASC Keller, LLC, proposed in an approximately 10,389 square-foot building, on an approximately 1.72 acre property, located on the south side of Keller Parkway, approximately 450 feet southwest from the intersection of Keller Parkway and Country Brook Drive, zoned TMC \(Town Center Medical\), located at 1220 Keller Parkway. SARC by HSH ASC Keller, LLC, Applicant/Owner. \(SUP-21-0024\)](#)

Senior Planner Trish Sinel gave a presentation relating to an amendment to a Specific Use Permit (SUP) for an ownership change Surgical Out-patient Facility, for SARC by HSH ASC Keller, LLC, located at 1220 Keller Parkway.

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

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

A motion was made by Mayor Armin Mizani, seconded by Council Member Ross McMullin, to approve Ordinance No. 2031 approving an amendment to a Specific Use Permit (SUP) for an ownership change Surgical Out-patient Facility, for SARC by HSH ASC Keller, LLC, proposed in an approximately 10,389 square-foot building, on an approximately 1.72 acre property, located on the south side of Keller Parkway, approximately 450 feet southwest from the intersection of Keller Parkway and Country Brook Drive, zoned TMC (Town Center Medical), located at 1220 Keller Parkway (SUP-21-0024). The motion carried unanimously.

6. [PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 - Zoning Districts to add provisions regulating garage conversions; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-21-0006\)](#)

Community Development Julie Smith gave a presentation relating to the request for amendments to the City of Keller Unified Development Code (UDC), relating to Article 8 - Zoning Districts to add provisions regulating garage conversions.

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

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

The City Council discussed the policy implications of amending the UDC to permit the garage conversions. Council Member Ross McMullin suggested that because two Council Members are absent, it would be beneficial to table the agenda item to a later meeting. This would allow more of the Council Members to voice their thoughts regarding the amendments.

A motion was made by Council Member Ross McMullin, seconded by Council Member Shannon Dubberly, to table the request for amendments to the City of Keller Unified Development Code (UDC), by amending Article 8 - Zoning Districts to add provisions regulating garage conversions (UDC-21-0006), to the August 17, 2021 Regular City Council Meeting. The motion carried

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

1. **Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.**
 - a. **Old Town Keller Phase II - Elm Street Improvements Project**
2. **Adjourn into Open Meeting.**

3. Action on Executive Session Item 1 if necessary.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular Council meeting at 8:20 P.M. and reconvened the Work Session at 8:29 P.M. The Work Session then adjourned at 10:30 P.M.

Mayor

City Secretary

DRAFT