



City of Keller
City Council
Meeting Minutes

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

Tuesday, December 5, 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 5:04 P.M.

The following City Council Members were present:

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

Council Member Jessica Juarez was absent.

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, 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 5:28 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. [Short Term Rentals](#)

2. Adjourn into Open Meeting.

Mayor Armin Mizani adjourned the Executive Session and called the Pre-Council Meeting back to order at 6:22 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION

1. [Discuss billboard regulations.](#)

Attachments: [Work Session - Billboards Presentation](#)

Director of Community Development Sarah Hensley gave a presentation relating to billboards. Mrs. Hensley stated that there are currently six billboards within the City limits, and that the Unified Development Code does not provide a pathway for approval for a new billboard. The City Council directed City staff to clarify the Unified Development Code as it relates to Billboards, and then to bring the staff recommendation to Council for approval.

2. [Capital Improvement Projects Update](#)

Director of Public Works Alonzo Liñán addressed the City Council with updates to current Capital Improvement Projects.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 7:00 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 7:09 P.M.

B. INVOCATION

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. [Mayor for the Day - Mr. Matthew Parrott](#)

Presentation did not take place.

2. [The Big Event - Co-Chairs Brittany Whitacre and Stephanie O'Dell](#)

Ms. Brittany Whitacre and Ms. Stephanie O'Dell, Vice Chairs for the KISD Big Event, gave a presentation relating to the Big Event that is taking place on April 6, 2024. The website for more information is: www.kellerisd.net/BigEvent

3. [Kids Matter International - Marti Conner](#)

This presentation will be rescheduled.

4. [Recognition of 2023 Keller Citizens Academy participants.](#)

Mayor Armin Mizani and Communications Manager Rachel Reynolds recognized the Keller Citizens Academy Class of 2023: Ms. Gloria Allen, Ms. MaryAnne Branaugh, Mr. Doug Brittain, Ms. Brittainy Fink, Mr. Anant Gairola, Ms. Elizabeth Gauwain, Mr. Taryn Heck, Ms. Farah Janjua, Mr. Zane Kupper, Mr. Gabriel Soica, Ms. Rachel Walker, and Mr. David Wright.

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. Stewart Rennie, 1300 Keller Parkway, expressed his concerns with traffic signal malfunctioning at Bear Creek Parkway and Rufe Snow Drive.

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 Consent Agenda Items #1 and #2. The motion carried unanimously.

1. [Consider approval of the Minutes of the Monday, November 20, 2023 Regular City Council Meeting.](#)

Attachments: [112023 Minutes](#)

Approved.

2. [Consider a resolution casting votes for nominee\(s\) for the Board of Directors of the Tarrant Appraisal District for a two-year term beginning January 1, 2024.](#)

Attachments: [120523 Resolution Nominees for Board of Directors of Tarrant Appraisal District](#)
[120523 Ballot Nominees for Board of Directors of Tarrant Appraisal District](#)

Resolution No. 4736 approves casting 23 votes for Mr. Rich DeOtte for the Board of Directors of the Tarrant Appraisal District for a two-year term beginning January 1, 2024.

3. [Consider a resolution authorizing the City Manager to enter into a Multiple-Use Agreement with the Texas Department of Transportation \(TxDOT\) allowing the installation and operation of Automated License Plate Recognition Cameras in TxDOT right-of-way.](#)

Attachments: [120523 Resolution TXDoT Agreement](#)
[120523 Agreement TXDoT MUA](#)

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Chris Whatley, to approve Resolution No. 4737 authorizing the City Manager to enter into a Multiple-Use Agreement with the Texas Department of Transportation (TxDOT) allowing the installation and operation of Automated License Plate Recognition Cameras in TxDOT right-of-way. The motion carried by the following vote:

AYE: 5 - Council Member Sean Hicks, Council Member Tag Green, Mayor Armin Mizani, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin.

NAY: 1 - Council Member Shannon Dubberly.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Consider a resolution approving a contract with the Keller Farmers Market to conduct a recurring farmers market at Bear Creek Park; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller.](#)

Attachments: [Keller Farmer's Market Resolution 2024](#)
[Exhibit A - Keller Farmer's Market License Agreement 2024](#)
[Exhibit B - Keller Farmer's Market 2024](#)

A motion was made by Council Member Sean Hicks, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4738 approving a contract with the Keller Farmers Market to conduct a recurring farmers market at Bear Creek Park; in an amount not to exceed \$5,000; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller. The motion carried unanimously.

2. [Consider a resolution approving Amendment No. 1 to the Construction Management at Risk \(CMAR\) Services Agreement with Dean Construction of Cedar Hill, Texas, to establish the Guaranteed Maximum Price \(GMP\) for construction of the improvements to the Keller Sports Park; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [120523 Keller Sports Park GMP Resolution](#)
[120523 KSP Exhibit A A133 Owner CMAR Agreement](#)
[120523 KSP Attachment A Itemized GMP](#)
[120523 KSP Attachment B Schedule](#)
[120523 KSP Attachment C A201General Conditions](#)
[120523 KSP Attachment D Specifications](#)
[120523 KSP Attachment E Drawings](#)
[H-2 Keller Sports Park CMAR GMP Presentation](#)

Director of Community Services Cody Maberry gave a presentation relating to Amendment No. 1 to the Construction Management at Risk (CMAR) Services Agreement for improvements to the Keller Sports Park.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4739 approves Amendment No. 1 to the Construction Manager at Risk Services Agreement with Dean Construction of Cedar Hill, Texas, to set the Guaranteed Maximum Price in the amount of \$30,901,604.00; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously.

3. [Consideration and action regarding a resolution directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for parks and recreation improvements and related issuance costs.](#)

Attachments: [120523 KSP NOI Resolution](#)
[H-3 Notice of Intent for COs Presentation](#)

Director of Administrative Services Aaron Rector, gave a presentation relating to the action of directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for parks and recreation improvements and related issuance costs.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Tag Green, to approve Resolution No. 4740 directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for parks and recreation improvements and related issuance costs. The motion carried unanimously.

4. [Consider a resolution approving four variance requests for one lot in the Highland Terrace Mobile Home Park to reduce the front yard setback to 25 feet in lieu of the required 35 feet, to decrease the minimum dwelling size to 2,000 square-feet in lieu of the 2,400 square-foot requirement, to increase the maximum main building lot coverage to 35% in lieu of the 30% requirement, and to increase the maximum lot coverage to 55% in lieu of the 50% requirement, on the property legally described as Lot 24 of the Highland Terrace Mobile Home Park, being approximately 0.15-acres, situated on the east side of Highland Drive East, zoned Single-Family 36,000 square-foot lots or greater \(SF-36\), and addressed as 1828 Highland Drive East. Hearthstone Classic Custom Homes Corp. - Jeff](#)

[Avery, President, Owner/Applicant. \(UDC-23-0007\)](#)

Attachments: [120523 1828 Highland Dr E Variances Resolution](#)
[120523 1828 Highland Dr. E Variances PLAT](#)
[120523 1828 Highland Dr. E Variances Application](#)
[120523 1828 Highland Dr. E Variances MAPS](#)
[120523 1828 Highland Dr. E Variances Staff Attachment](#)
[H-4 1828 Highland Dr E Variances Presentations](#)

Director of Community Development Sarah Hensley gave a presentation relating to the request for four variances for a lot addressed at 1828 Highland Drive East.

Mr. Jeff Avery, applicant, addressed the City Council regarding the proposal.

A motion was made by Council Member Sean Hicks, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4741 approving four variance requests for one lot in the Highland Terrace Mobile Home Park to reduce the front yard setback to 25 feet in lieu of the required 35 feet, to decrease the minimum dwelling size to 2,000 square-feet in lieu of the 2,400 square-foot requirement, to increase the maximum main building lot coverage to 35% in lieu of the 30% requirement, and to increase the maximum lot coverage to 55% in lieu of the 50% requirement, on the property legally described as Lot 24 of the Highland Terrace Mobile Home Park, being approximately 0.15-acres, situated on the east side of Highland Drive East, zoned Single-Family 36,000 square-foot lots or greater (SF-36), and addressed as 1828 Highland Drive East. The motion carried unanimously.

5. [PUBLIC HEARING: Consider an ordinance approving Specific Use Permits \(SUPs\) with a variance to construct an approximately 3,093 square-foot Accessory Dwelling Unit, on approximately 2 acres, on the southeast corner of Whitley Road and Frank Lane, legally described as Lot 2 of the John Edmonds Subdivision, zoned Single-Family 8,400 square-foot lot size or greater \(SF-8.4\) and addressed 1785 Whitley Road. Randy Sullivan, Applicant. Gary Racine, Owner. \(SUP-23-0031\)](#)

Attachments: [120523 Ordinance SUP-23-0031](#)
[120523 Aerial & Zoning 1785 Whitley](#)
[120523 Staff Attachment CC 1785 Whitley](#)
[120523 1785 Whitley Compiled for P&Z_Redacted](#)
[H-5 1785 Whitley ADU CC Presentations](#)

Director of Community Development Sarah Hensley gave a presentation relating to the request for three SUPs with a variance to construct an Accessory Dwelling Unit at 1785 Whitley Road.

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.

Mr. Randy Sullivan, applicant, addressed the City Council regarding the proposal.

Discussion was held regarding the Specific Use Permit intent and process, and the platting process for this particular request.

A motion was made by Council Member Tag Green, seconded by Council Member Sean Hicks, to deny the request for Specific Use Permits for an approximately 3,093 square-foot Accessory Dwelling Unit, at 1785 Whitley Road. The motion carried by the following vote:

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

NAY: 1 - Mayor Pro Tem Ross McMullin.

6. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for an approximately 576 square-foot detached carport, on .068 acre, approximately 460 feet southeast of the intersection of Hickory Hollow Lane and North Pearson Lane, legally described as Lot 4, Block 1 of Hickory Hollow Estates, zoned Single-Family 20,000 square-foot lot size or greater \(SF-20\) and addressed 2016 Hickory Hollow Lane. Ken Perdue, Owner/Applicant. \(SUP-23-0026\)](#)

Attachments: [120523_2016HickoryHollowSUP_Ordinance](#)
[120523_2016HickoryHollowSUP_AerialZoning](#)
[120523_2016HickoryHollowSUP_Photos](#)
[120523_2016HickoryHollowSUP_Application](#)
[120523_2016HickoryHollowSUP_PublicResponse](#)
[H-6 2016 Hickory Hollow SUP Presentation](#)

Planner Amber Washington gave a presentation relating to the request for a SUP for a 576 square-foot detached carport at 2016 Hickory Hollow Lane.

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

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

Mr. Ken Perdue, applicant, addressed the City Council regarding the proposal.

Discussion was held regarding the Specific Use Permit process relating to this request.

A motion was made by Mayor Armin Mizani, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2148 approving a Specific Use Permit (SUP) for an approximately 576 square-foot detached carport, on .068 acre, approximately 460 feet southeast of the intersection of Hickory Hollow Lane and North Pearson Lane, legally described as Lot 4, Block 1 of Hickory Hollow Estates, zoned Single-Family 20,000 square-foot lot size or greater (SF-20) and addressed 2016 Hickory Hollow Lane. 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.
2. Adjourn into Open Meeting.
 - a. [Short Term Rentals](#)
3. Action on Executive Session Item 1 if necessary.

J. ADJOURN

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to adjourn the City Council Meeting at 8:52 P.M. The motion carried unanimously.

Rollcall

Mayor

City Secretary