



City of Keller

City Council

Meeting Minutes

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

Tuesday, May 2, 2023

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 5:31 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 Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, City Engineer Chad Bartee, Interim 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.

Discussion was held by the City Council regarding Consent Item No. 3, relating to the lack of median mowing by TXDOT.

C. EXECUTIVE SESSION - None

D. WORK SESSION

1. [Budget Strategic Planning - Budget Priorities](#)

Attachments: [FY 2023-24 Budget Priorities](#)

Director of Administrative Services Aaron Rector gave a presentation highlighting the following goals for the FY 2023-24 City Budget: strive to ensure that Keller's taxpayers do not pay more City tax dollars on a year-to-year basis with minimal change to property tax revenue, estimate sales tax growth conservatively (~2.5%) based upon year-end

projections, continue to monitor development revenue, consider water/wastewater rates, and consider results of the citizen survey.

2. [Discuss Northeast Park Property Future Use](#)

Director of Community Services Cody Maberry addressed the City Council regarding Northeast Park and asked for City Council direction regarding pending proposals for a concept plan for the park. The City Council directed staff to reject the proposals, and to postpone the Northeast Park studies until the Keller Sports Park is further in its development.

3. [Capital Improvement Projects Update](#)

Director of Community Services Cody Maberry and City Engineer Chad Bartee gave an update on current Capital Improvement Projects.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:50 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 7:01 P.M.

B. INVOCATION

Pastor Cory Collins, Keller Church of Christ, 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. [Professional Municipal Clerks Week Proclamation](#)

Attachments: [050223 Proclamation - Municipal Clerks Week.pdf](#)

Mayor Armin Mizani presented a proclamation to City Secretary Kelly Ballard and Assistant City Secretary Andrea McDonald recognizing April 30th through May 6th as Professional Municipal Clerks Week

2. [National Correctional Officers and Employees Week Proclamation](#)

Attachments: [050223 National Correctional Officers and Employees Week Proclamation](#)

This presentation will take place at the Tuesday, May 16, 2023 Regular City Council Meeting.

3. [Recognition of Keller Lion's Club Queen and Court](#)

Mayor Armin Mizani and Council Member Tag Green congratulated and presented Certificates of Recognition to the following 2023 Keller Lion's Club Queen and Court: 2023 Fair Queen: Alexa Ostrout, 2023 Jr. Miss: Emme Freeman, 2023 Little Miss: Lily Ann Cully, and 2023 Tiny Miss: Evelyn Grace Burke.

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. Vern Stansell, 2025 Lewis Crossing, expressed concerns with the Center Stage development.

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

1. [Consider approval of the Minutes of the Friday, March 31, 2023 City Council Strategic Planning Work Session.](#)

Attachments: [033123 Minutes.pdf](#)

Approved.

2. [Consider approval of the Minutes of the Tuesday, April 18, 2023 Regular City Council Meeting.](#)

Attachments: [041823 Minutes](#)

Approved.

3. [Consider a resolution approving a proposal for Public Works Mowing - Channels, City Properties, Rights of Way, and Water Sites with Earthworks, Inc., of Lillian, Texas, for the purpose of providing mowing services for a one \(1\) year period with an option for three \(3\) additional one \(1\) year renewal periods, not to exceed four \(4\) years; and authorizing the City Manager to execute all contract documents on behalf of the City of Keller, Texas.](#)

Attachments: [050223 PWMowing Resolution](#)
[050223 PWMowing ExhibitA](#)

Resolution No. 4648 approves the proposal for Public Works Mowing - Channels, City

Properties, Rights of Way, and Water Sites with Earthworks, Inc., of Lillian, Texas; in the amount of \$128,064.00, with the option to renew for three (3) additional one-year periods, up to a total of four (4) years; and further authorizes the City Manager to execute all contract documents on behalf of the City of Keller, Texas.

4. [Consider a resolution approving the construction bid from Apple Pavement Services, of Dallas, Texas; for the Shady Grove Road Reconstruction Project for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [050223 ShadyGroveRecon Resolution](#)
[050223 ShadyGroveRecon BidSummary](#)
[050223 ShadyGroveRecon Map](#)

Resolution No. 4649 approves the bid for the Shady Grove Road Reconstruction Project, from Apple Pavement Services, of Dallas, Texas, for the Public Works Department, in the amount of \$1,274,068.10; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Consider a resolution approving a Final Plat for Lots 3R1 & 4, Block 1 of the Ray Griffith Addition, being a replat of Lot 3R, located on approximately 2.94 acres of land, on the west side of Ottinger Road, approximately 1,150 feet northwest of the intersection of Ottinger Road and Florence Road, addressed as 1238 Ottinger Road, and zoned Single-Family 36,000 square-foot minimum lots or greater \(SF-36\). Bruce Koenig, Applicant/Owner. \(P-23-0007\)](#)

Attachments: [050223 1238 Ottinger Plat Resolution](#)
[050223 1238 Ottinger Replat Exhibit A - Plat.pdf](#)
[050223 1238 Ottinger Replat MAPS](#)
[H-1 1238 Ottinger Replat Presentation](#)

Planner Amber Washington gave a presentation relating to the request for a Final Plat for Lots 3R1 & 4, Block 1 of the Ray Griffith Addition, addressed as 1238 Ottinger Road.

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4650 approving a Final Plat for Lots 3R1 & 4, Block 1 of the Ray Griffith Addition, being a replat of Lot 3R, located on approximately 2.94 acres of land, on the west side of Ottinger Road, approximately 1,150 feet northwest of the intersection of Ottinger Road and Florence Road, addressed as 1238 Ottinger Road, and zoned Single-Family 36,000 square-foot minimum lots or greater (SF-36), with the following variance:

1. **A variance to UDC Section 8.03(C)(4)(2) shall be allowed to permit the frontage along Ottinger Road to be approximately 107 feet rather than 140 feet.**

The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving Specific Use Permits \(SUPs\) for 139 Olive, an event venue with indoor and outdoor entertainment, in an existing 1,600 square-foot building on approximately 0.11 acre, approximately 150 feet northwest from the intersection of South Elm Street and Olive Street, legally described as Lot 7R2, Block 8 of the Keller, City Addition, zoned Old Town Keller \(OTK\) and addressed 139 Olive Street. Ashley Hernandez, Applicant/Owner. \(SUP-23-0010\)](#)

Attachments: [050223_139OliveSUP_Ordinance](#)
[050223_139OliveSUP_AerialZoning](#)
[050223_139OliveSUP_CommunityResponse](#)
[050223_139OliveSUP_StaffAttachment.pdf](#)
[H-2_139_Olive_SUP_Presentation](#)

Planner Amber Washington gave a presentation relating to a request for a Specific Use Permits (SUPs) for an event venue with indoor and outdoor entertainment at 139 Olive Street.

Mayor Armin Mizani opened the public hearing.

Ms. Caitlin Upton, 528 Hunter Manor Drive; Ms. Sarah Vickers-Carlson, 911 Santa Cruz Drive; Mr. Scott Spielman, 121 Olive Street; Ms. Brenda Munden, 17655 Cottontail; and Mr. Chris Coker, 1323 Briar Ridge, expressed their support of the request for a Specific Use Permit for 139 Olive Street.

Ms. Sue Harbert, 138 Olive Street, expressed opposition to the Specific Use Permit request citing concerns with parking.

Ms. Ashley Hernandez, applicant, addressed the City Council regarding the proposal.

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

A motion was made by Mayor Armin Mizani, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2119 approving Specific Use Permits (SUPs) for 139 Olive, an event venue with indoor and outdoor entertainment, in an existing 1,600 square-foot building on approximately 0.11 acre, approximately 150 feet northwest from the intersection of South Elm Street and Olive Street, legally described as Lot 7R2, Block 8 of the Keller, City Addition, zoned Old Town Keller (OTK) and addressed 139 Olive Street., with the following conditions:

1. **A Specific Use Permit to operate an event center at 139 Olive Street in the Old Town Keller Zoning District, with the hours of operation being 7 a.m. to 9 p.m. Sunday through Thursday and 6 a.m. to 11 p.m. Friday and Saturday, shall be allowed.**

2. A Specific Use Permit for indoor and outdoor entertainment at 139 Olive Street in the Old Town Keller Zoning District, with the hours of operation being 7 a.m. to 9 p.m. Sunday through Thursday and 6 a.m. to 11 p.m. Friday and Saturday, shall be allowed

The motion carried unanimously. Council Member Tag Green abstained from the vote.

3. [Consider a resolution approving a Chapter 380 Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Ashley Hernandez of 139 Olive LLC, owner of the property located at 139 Olive Street, Keller, TX 76248 for a City of Keller Facade Improvement Grant.](#)

Attachments: [05022023 Exhibit A.1 Resolution](#)
[05022023 Exhibit A.2 - 139 Olive St Application.pdf](#)
[05022023 Exhibit A Proposed 380 Agreement 139 Olive St](#)
[05022023 Exhibit A.3 Resolution No. 4371](#)
[H-3 139 Olive 380 Agreement Presentation](#)

Director of Economic Development Mary Culver gave a presentation relating to a request for a City of Keller Façade Improvement Grant for Ashley Hernandez, 139 Olive LLC, owner of the property located at 139 Olive Street.

A motion was made by Mayor Armin Mizani, seconded by Council Member Jessica Juarez, to approve Resolution No. 4651 approving a Chapter 380 Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Ashley Hernandez of 139 Olive LLC, owner of the property located at 139 Olive Street, Keller, TX 76248 for a City of Keller Facade Improvement Grant. The motion carried by the following vote:

AYE: 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.

I. EXECUTIVE SESSION - None

J. ADJOURN

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin to adjourn the meeting at 8:15 P.M The motion carried unanimously.

Mayor

City Secretary