



City of Keller

City Council

Meeting Minutes

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

Tuesday, March 16, 2021

CITY COUNCIL DINNER 5:00 P.M.

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 5:30 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Mitch Holmes
Mayor Pro Tem Sean Hicks
Council Member Sheri Almond
Council Member Beckie Paquin
Council Member Chris Whatley
Council Member Ross McMullin

The following City staff members were present: City Manager Mark Hafner, Assistant City Secretary Andrea McDonald, City Attorney Stan Lowry (by video conference), Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Community Development Julie Smith, Director of Information Technology Sean Vreeland, Acting Director of Economic Development Mary Culver, Administrative Services Manager Sarah Hensley, Public Information Officer Rachel Reynolds, Police Captain Tracy Talkington and Interim Fire Chief Shane Gainer.

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. [Discuss the Johnson Road reconstruction project.](#)

Public Works Director Alonzo Liñán updated the City Council regarding the Johnson Road reconstruction project and the responses received by staff from Tri-County Electrical Company (TCEC) regarding the project. Council discussed moving and removing sidewalks, types of utility poles and the position of utility poles and the costs/time associated with such revisions.

The City Council agreed that the types of utility poles would not be modified and directed staff to move the poles as far north as possible, to inquire with TCEC regarding the location of the sidewalk, and to proceed with the bidding process.

2. [Discuss the Future Land Use Plan.](#)

The City Council reviewed and discussed the Future Land Use Plan (FLUP) Update. Community Development Director Julie Smith reviewed suggested amendments to the Residential Land-Use categories in response to concerns over lot sizes for PGT and for high density as well as changes to the FLUP map.

Council deliberated the potential staff changes and public comments and directed staff to propose the following for public consideration: Medium Density Single Family 15,000-35,999 square-foot lots; High Density Single Family 8,000-14,999 square-foot lots; and clarified the PGT category as patio and garden homes with 5,000 to 7,999 square-foot lots and town homes, duplexes and quadplexes to be located on less than 5,000 square-foot lots; and to make certain citizen-requested map changes.

E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:46 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 7:03 P.M.

B. INVOCATION

Pastor Dave Bream, Hillside Community Church, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Armin Mizani led the pledges to the United States Flag and 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 - None

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 Tashman, 1705 Everest Road, addressed the City Council regarding his concerns with the FLUP Update reference to mixed use development, and the term "Special Interest Group."

Mr. Jeff Harkins, 1423 Latigo Lane, expressed his support for the Johnson Road reconstruction project and requested Council consider removing the sidewalk from the project and add it at a later time.

F. CONSENT

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Sean Hicks, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, February 16, 2021 Emergency City Council Meeting.](#)

Approved

2. [Consider approval of the Minutes of the Wednesday February 24, 2021 Rescheduled Regular City Council Meeting.](#)

Approved

3. [Consider approval of the Minutes of the Tuesday, March 2, 2021 Regular City Council Meeting.](#)

Approved

4. [Consider a resolution adopting 45,400 as the official population as of January 1, 2020, for the City of Keller, Texas.](#)

Resolution No. 4343 adopts 45,400 as the official population as of January 1, 2020 for the City of Keller, Texas.

5. [Consider a resolution approving the construction bid from Quality Excavation of Aubrey, Texas; for the 2020 Residential Street 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.](#)

Resolution No. 4344 approves the construction bid from Quality Excavation of Aubrey, Texas for the 2020 Residential Street Reconstruction Project in the amount of \$1,512,290.70.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Consider a resolution approving an Interlocal Agreement with the Town of Westlake, Texas, for consolidated full-time fire protection/prevention and emergency medical services; for a term of sixteen \(16\) months commencing April 1, 2021; to include an equally shared feasibility study regarding said consolidated services; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

City Manager Mark Hafner gave a presentation related to an Interlocal Agreement with the Town of Westlake, Texas for consolidated full-time fire protection/prevention and emergency medical services for a term of sixteen months commencing April 1, 2021. He explained that the proposed agreement would include obligations for both communities, to include that the Westlake Fire Chief would become the Interim Chief of Keller Fire Rescue; fire protection/prevention and emergency medical services for both communities would remain at the same or at a higher level without disruption; and both cities would share in the equal cost of the feasibility study.

Mr. Hafner introduced Noah Simon, Deputy Town Manager for the Town of Westlake, who spoke in support of the Interlocal Agreement. Mr. Simon introduced Town of Westlake Fire Chief Richard Whitten who addressed City Council regarding his fire career, experience, accomplishments and his leadership philosophy. Chief Whitten assured communication between both fire departments.

Mayor Armin Mizani opened the opportunity for the public to speak on this item. Mr. Stephen Humenesky, 1602 Falcon Drive, addressed his concerns with merging the two fire departments.

Mayor Armin Mizani initiated discussion between the City Council and Mr. Hafner, Mr. Simon and Chief Whitten.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to approve Resolution No. 4345 approving an Interlocal Agreement with the Town of Westlake, Texas, for consolidated full-time fire protection/prevention and emergency medical services; for a term of sixteen (16) months commencing April 1, 2021; to include an equally shared feasibility study regarding said consolidated services; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas. The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving the creation of a Tax Increment Reinvestment Zone containing approximately 795.19 acres of land generally located along the U.S. Hwy 377 commercial corridor and being wholly located within the corporate city limits of the City of Keller, Texas and a preliminary Reinvestment Zone Financing Plan, as authorized under section 311.003 of the Texas Tax Code.](#)

Acting Economic Development Director Mary Culver addressed City Council with clarification regarding the proposed TIRZ No. 2 boundary in relation to the Old Town Keller Zoning District. She introduced Kirk McDaniel, Management Analyst with Petty & Associates, who gave a presentation regarding the TIRZ No. 2 to include proposed public improvements, Old Town Keller improvements, assumptions, cumulative contributions and next steps.

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

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

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Sean Hicks, to approve Ordinance No. 2000 approving the creation of a Tax Increment Reinvestment Zone containing approximately 795.19 acres of land generally located along the U.S. Hwy 377 commercial corridor and being wholly located within the corporate city limits of the City of Keller, Texas and a preliminary Reinvestment Zone Financing Plan, as authorized under section 311.003 of the Texas Tax Code. The motion carried unanimously.

3. [Consider a resolution approving citywide Utility Billing adjustments as a result of the February 2021 winter storm.](#)

Administrative Services Director Aaron Rector gave a presentation regarding a utility billing adjustment proposal in regards to the winter storm experienced in February 2021. He reviewed the proposal included a 2,000 gallon credit at the base tier for each customer and would also exclude the highest month from the three month period; averaging the wastewater volume on two months rather than three.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to approve Resolution No. 4346 approving citywide Utility Billing adjustments as a result of the February 2021 winter storm with the amended language for Section 3: THAT, the City Council of the City of Keller, Texas hereby approves adjusting the residential winter averaging calculation by removing the highest consumption month from the three-month calculation. The motion carried unanimously.

4. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Glam Bam Paws, a proposed 'pet grooming' facility, to occupy a 1,050 square-foot lease space within a 31,630 square-foot multi-tenant building, situated on a 3.477-acre tract of land, located on the east side of Rufe Snow Drive, approximately 400 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, being Lot 5, Block A, Keller Place Addition, zoned Retail \(R\), located at 2041 Rufe Snow Drive Suite 317, Whitestone Keller Place, owner. Vanessa Lockett, applicant. \(SUP-21-0002\)](#)

Community Development Director Julie Smith gave a presentation related to a Specific Use Permit (SUP) for Glam Bam Paws at 2041 Rufe Snow Drive, Suite 317.

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

Applicant Ms. Vanessa Lockett addressed City Council regarding her business.

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

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Beckie Paquin, to approve Ordinance No. 2001 approving a Specific Use Permit (SUP) for Glam Bam Paws, a proposed 'pet grooming' facility, to occupy a 1,050 square-foot lease space within a 31,630 square-foot multi-tenant building, situated on a 3.477-acre tract of land, located on the east side of Rufe Snow Drive, approximately 400 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, being Lot 5, Block A, Keller Place Addition, zoned Retail (R), located at 2041 Rufe Snow Drive Suite 317. The motion carried unanimously.

5. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to allow the property owner to temporarily reside in a modular home for the purpose of living and overseeing construction of a permanent residence, and to convert an existing 980 square-foot accessory structure into an accessory dwelling unit, situated on a 1.995-acre tract of land, located on the west side of South Pearson Lane, approximately 550 feet northwest from the intersection of South Pearson Lane and Union Church Road, being tract 6B01A1, 6B01B, and 6F01, Abstract 498 of the Elston, D E Survey, zoned Single Family - 36,000 square-foot lot \(SF-36\), located at 404 South Pearson Lane. Randal Snow, Owner. Christopher Cloy, Applicant. \(SUP-21-0004\)](#)

Director of Community Development Julie Smith gave a presentation related to a Specific Use Permit (SUP) at 404 Pearson Lane.

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

Applicant Mr. Christopher Cloy addressed Council regarding the SUP.

A motion was made by Council Member Mitch Holmes, seconded by Mayor Pro Tem Sean Hicks, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Sheri Almond with the condition to add skirting to the modular home, seconded by Council Member Beckie Paquin, to approve Ordinance 2002 approving a Specific Use Permit (SUP) to allow the property owner to temporarily reside in a modular home for the purpose of living and overseeing construction of a permanent residence, and to convert an existing 980 square-foot accessory structure into an accessory dwelling unit, situated on a 1.995-acre tract of land, located on the west side of South Pearson Lane, approximately 550 feet northwest from the intersection of South Pearson Lane and Union Church Road, being tract 6B01A1, 6B01B, and 6F01, Abstract 498 of the Elston, D E Survey, zoned Single Family - 36,000 square-foot lot (SF-36), located at 404 South Pearson Lane. 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 provisions related to hotel/motel to require a Specific Use Permit \(SUP\) in Commercial \(C\) and Industrial Park \(IP\) zoning districts, located in Article Eight -Zoning Districts, Development Standards, Tree Preservation, and modifying Article Three - Definitions; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. \(UDC-21-0001\)](#)

Community Development Director Julie Smith gave a presentation related to proposed amendments to the City of Keller Unified Development Code (UDC) by amending provisions related to hotel/motel to require a Specific Use Permit (SUP) in Commercial (C) and Industrial Park (IP) zoning districts.

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

Council Member Sheri Almond left the meeting during this item.

A motion was made by Council Member Chris Whatley, seconded by Council Member Beckie Paquin, 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. 2003 approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending provisions related to hotel/motel to require a Specific Use Permit (SUP) in Commercial (C) and Industrial Park (IP) zoning districts, located in Article Eight - Zoning Districts, Development Standards, Tree Preservation, and modifying Article Three - Definitions; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. The motion carried unanimously.

7. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Tindahan ni Kuya, a proposed restaurant/grocery store to occupy a 1,400 square-foot lease space within a 13,140 square-foot multi-tenant building, situated on a 1.97-acre tract of land, located on the east side of South Main Street, approximately 1,700 feet north from the intersection of Wall-Price Keller Road and South Main Street, legally described as Lot 2, Block A, Whitley Place Addition, zoned Commercial \(C\), located at 801 South Main Street Suite 101. Denton Highway Center, owner. Randy German, applicant. \(SUP-21-0001\)](#)

Director of Community Development Julie Smith gave a presentation in relation to a Specific Use Permit (SUP) for Tindahan ni Kuya, a proposed restaurant/grocery store, at 801 South Main Street, Suite 101.

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

Applicant Mr. Randy German addressed Council regarding the SUP.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Beckie Paquin, to approve Ordinance No. 2004 approving a Specific Use Permit (SUP) for Tindahan ni Kuya, a proposed restaurant/grocery store to occupy a 1,400 square-foot lease space within a 13,140 square-foot multi-tenant building, situated on a 1.97-acre tract of land, located on the east side of South Main Street, approximately 1,700 feet north from the intersection of Wall-Price Keller Road and South Main Street, legally described as Lot 2, Block A, Whitley Place Addition, zoned Commercial (C), located at 801 South Main Street Suite 101. The motion carried unanimously.

8. [PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits \(SUP\) to permit the applicant to construct a 1,408 square-foot Accessory Dwelling Unit situated on a 2.65-acre tract of land, located on the east side of Bourland Road, approximately 350 feet southeast from the intersection of Bancroft Road and Bourland Road, legally described as Lot 3, Block 1 Village Mill Addition, zoned Single Family - 36,000 square-foot lot \(SF-36\), located at 921 Bourland Road. Jeff Aldredge, owner. Jeff Ground, applicant. \(SUP-21-0003\)](#)

Community Development Director Julie Smith gave a presentation related to two Specific Use Permits (SUP) to permit construction of a 1,408 square-foot accessory dwelling unit at 921 Bourland Road.

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

A motion was made by Council Member Mitch Holmes, seconded by Mayor Pro Tem Sean Hicks, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Ross McMullin, seconded by Mayor Pro Tem Sean Hicks, to approve Ordinance No. 2005 approving two Specific Use Permits (SUP) to permit the applicant to construct a 1,408 square-foot Accessory Dwelling Unit situated on a 2.65-acre tract of land, located on the east side of Bourland Road, approximately 350 feet southeast from the intersection of Bancroft Road and Bourland Road, legally described as Lot 3, Block 1 Village Mill Addition, zoned Single Family - 36,000 square-foot lot (SF-36), located at 921 Bourland Road. The motion carried unanimously.

9. [PUBLIC HEARING: Consider a resolution approving an amendment to the Future Land Use Map from Industrial Commercial \(IC\) to Mixed-Use \(MU\) for approximately 21.98 -acres of land, legally described as Tract 9C02K, Tract 9C02, Tract 9C02J, Tract 9C02H, Tract 9C02E, Tract 9C02F, Tract 9C02B, Tract 9C02C, Tract 9C02D out of the Holland, WJ Survey, Abstract No. 692, located on the northwest corner of the Wall-Price Keller Road and Whitley Road intersection. Garland All Storage Associates, owner. Contour Real Estate and Development; applicant. \(LUP-21-0001\)](#)

The applicant withdrew their request prior to the City Council meeting. No action was taken.

10. [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 provisions to add a Single-Family Mixed-Use zoning district, located in Article Eight -Zoning Districts, Development Standards, Tree Preservation, and; providing penalties; authorizing publication; and establishing an effective date. \(UDC-21-0002\)](#)

The applicant withdrew their request prior to the City Council meeting. No action was taken.

11. [PUBLIC HEARING: Consider an ordinance approving a zoning change from Commercial to Planned Development Single-Family Mixed-Use for an approximately 21.98-acre tract of land, legally described as Tract 9C02K, Tract 9C02, Tract 9C02J, Tract 9C02H, Tract 9C02E, Tract 9C02F, Tract 9C02B, Tract 9C02C, Tract 9C02D out of the Holland, WJ Survey, Abstract No. 692, located on the northwest corner of the Wall-Price Keller Road and Whitley Road intersection. Garland All Storage Associates, Owner. Contour Real Estate and Development; Applicant. \(Z-21-0001\)](#)

The applicant withdrew their request prior to the City Council meeting. No action was taken.

J. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

K. ADJOURN

Mayor Armin Mizani recessed the Regular City Council Meeting at 9:14 P.M. so that the City Council could resume the Work Session.

Mayor Armin Mizani resumed the Work Session at 9:19 P.M.

Mayor Armin Mizani adjourned the Pre-Council Meeting and the Regular City Council Meeting at 10:19 P.M.

Mayor

City Secretary