



# City of Keller

## City Council

### Meeting Minutes

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

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Tuesday, August 17, 2021

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#### 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 5:31 P.M.

The following City Council Members were present:

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

The following City staff members were present: City Manager Mark Hafner, Assistant City Secretary Andrea McDonald, 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, Director of Community Development Julie Smith, Interim Fire Chief Richard Whitten, Deputy Fire Chief Shane Gainer and Police Chief Bradley G. Fortune.

#### **B. DISCUSS AND REVIEW AGENDA ITEMS**

The City Council discussed and reviewed the agenda items.

#### **C. EXECUTIVE SESSION - None**

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

#### **D. WORK SESSION**

1. [Receive an update relating to Mental Health initiatives.](#)

**Attachments:** [Presentation Keller Mental Health & Resources](#)

Chief Fortune introduced Sergeant Robert Carte of the Keller Police Department whom gave a presentation related to mental health initiatives. He reviewed Keller's statistics for

the past five and a half years regarding emergency medical detentions and the Keller Police Department's Policy on mental health encounters as well as the challenges faced by police and EMS personnel. Sergeant Carte provided ways that the City of Keller could de-stigmatize mental health and noted programs in place at Keller Independent School District and the Keller Police Department.

2. [Discuss future use of existing Keller Senior Activities Center building.](#)

Community Services Director Cody Maberry discussed the potential future use of the existing Keller Senior Activities Center building with Council. He reviewed that the Friends of the Library organization was currently occupying a facility located in Old Town Keller that was in need of significant repairs. Mr. Maberry added that the Library was experiencing the need for additional space as their public programs had grown three times in size over the past few years. He explained that since Friends of the Library was only open two days a week, the remaining time could be utilized by the Library. Library Director Jana Prock addressed the City Council on the Library's programs and the need for additional space. The City Council directed staff to maximize the space and for the Library to partner with Friends of the Library at the existing Keller Senior Activities Center.

3. [Capital Improvements Projects Update](#)

Public Works Director Alonzo Liñán gave an update regarding the Johnson Road Improvements Project and the current progress of the electric pole positioning by Tri-County Co-Op. The City Council expressed their gratitude towards Tri-County for working with the City of Keller and directed staff to move forward with the project and advertise for construction bids.

4. [Discussion regarding Accessory Structures.](#)

Community Development Director Julie Smith gave a presentation and held discussion with Council regarding residential accessory structures such as sheds, studios and hobby workshops - not including accessory dwelling units - in excess of 1,200 square-feet. Mrs. Smith reviewed previously approved accessory structures with their corresponding zoning districts and sizes and further reviewed the current residential accessory structure standards. Discussion was held regarding the possibility of limiting the size of the structures regardless of the size of the primary structure, minimum lot size requirements, the number of accessory structures allowed, and removing material compatibility requirements. The City Council directed staff to remove the ZBA approval piece from residential accessory structure standards and to keep all other standards in place.

## E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:57 P.M. to continue after the conclusion of the Regular Meeting.

Mayor Armin Mizani called the Work Session back to order at 8:27 P.M.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 8:54 P.M.

## **REGULAR MEETING 7:00 P.M.**

### **A. CALL TO ORDER – Mayor Armin R. Mizani**

Mayor Armin Mizani called the Regular Meeting to order at 7:04 P.M.

### **B. INVOCATION**

Pastor Kodi Tanner, Alliance Community Church, gave the invocation.

### **C. PLEDGE OF ALLEGIANCE**

Mayor Armin Mizani led the pledges 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 Marcelo João Jácome III, Keller Boxing Club.](#)

Mayor Armin Mizani presented Marcelo João Jácome III (JoJo), from the Keller Boxing Club, with a Certificate of Recognition for his achievement of winning the Championship Title Belt in the 2021 Buffalo Bill Brawl National Open Tournament in North Platte, Nebraska. Coach Malaki from the Keller Boxing Club spoke about the Boxing Club's youth program and thanked everyone for their support.

### **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.

There were no public comments received.

### **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 Council Member Shannon Dubberly, seconded by Council Member Ross McMullin, to approve the Consent Agenda. The motion carried unanimously.**

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

**Attachments:** [080321 Minutes](#)

Approved.

2. [Consider a resolution approving the FY 2021-22 vehicle replacement purchases through Enterprise Fleet Management and authorizing the City Manager to execute all related purchasing documents on behalf of the City of Keller, Texas.](#)

**Attachments:** [081721 Fleet Replacement Resolution w/exhibit](#)

Resolution No. 4394 approves the FY 2021-22 vehicle replacement purchases through Enterprise Fleet Management.

3. [Consider a resolution approving the purchase of one \(1\) replacement Case 321F Wheel Loader ahead of the Fiscal Year 2021-22 budget adoption from Associated Supply Company, Inc. of Euless, Texas through the Buyboard Cooperative Purchasing Program and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.](#)

**Attachments:** [081721 Wheel Loader Equipment Resolution](#)  
[081721 Wheel Loader ASCO 321F Buyboard Quote](#)

Resolution No. 4395 approves the purchase of one (1) replacement Case 321F Wheel Loader ahead of the Fiscal Year 2021-22 budget adoption from Associated Supply Company, Inc. of Euless, Texas through the Buyboard Cooperative Purchasing Program.

4. [Consider a resolution authorizing the use of the Competitive Sealed Proposal method for the Old Town Keller Bates Street Reconstruction Project as the best value project delivery method for the City of Keller, and delegating authority to the City Manager or his designee, and establishing the limits of that authority as allowed by Texas Government Code Chapter 2269, Subchapter D, to implement the Competitive Sealed Proposal method for the City of Keller, Texas.](#)

**Attachments:** [081721 Competitive Sealed Proposal Resolution](#)

Resolution No. 4396 authorizes the use of the Competitive Sealed Proposal method for the Old Town Keller Bates Street Reconstruction Project as the best value project delivery method for the City of Keller.

5. [Consider a resolution rejecting the proposals for Grounds Management Services - Keller Sports Park Athletic Fields, for the Parks and Recreation Department.](#)

**Attachments:** [081721 Keller Sports Park Mowing Bid Rejection Resolution](#)  
[081721 Sports Park Mowing Staff Attachment](#)  
[081721 KSP Athletic Field Mowing Quotes 2021](#)

Resolution No. 4397 rejects the proposals for Grounds Management Services for the Keller Sports Park Athletic Fields.

6. [Consider a resolution approving the purchase of the NICE Digital Recording System Upgrade, to include a new audio logging recording server, Inform 9 Professional software, and six screen recording licenses, from Motorola Solutions, for the Regional NETCOM Dispatch & Detention centers as well as the Criminal Investigation and Administrative](#)

[Division of the Police Department; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [081721\\_PD NICE Upgrade Resolution](#)  
[081721\\_PD NICE Upgrade Exhibit A](#)

Resolution No. 4398 approves the purchase of the NICE Digital Recording System Upgrade, to include a new audio logging recording server, Inform 9 Professional software, and six screen recording licenses, from Motorola Solutions, for the Regional NETCOM Dispatch & Detention centers as well as the Criminal Investigation and Administrative Division of the Police Department.

7. [Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Keller Independent School District, for the funding of two full-time School Resource Officers and one less than full-time School Resource Officer, for the Keller Police Department.](#)

**Attachments:** [081721 School Resource Officer Resolution.docx](#)  
[081721 School Resource Officer Exhibit A](#)

Resolution No. 4399 authorizes the City Manager to execute an Interlocal Agreement with Keller Independent School District for the funding of two full-time School Resource Officers and one less than full-time School Resource Officer for the Keller Police Department.

## G. OLD BUSINESS

1. [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. \(UDC-21-0006\)](#)

**Attachments:** [081721\\_Garage Conversions Proposed Amendment Exhibit A](#)  
[SF 36 Garage Conversion Proposed Amendment](#)  
[Presentation\\_Text Amendment Garage Conversions.pdf](#)

Community Development Director Julie Smith gave a presentation in relation to adding provisions regulating garage conversions. Discussion was held by the City Council.

**A motion was made by Council Member Ross McMullin to approve 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; with the condition that the language is amended to require a Specific Use Permit (SUP) approved by Council. The motion failed due to lack of a second.**

**A motion was made by Mayor Armin Mizani, seconded by Council Member Chris Whatley, to deny 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. The motion carried by the following vote:

**AYE: 6 - Mayor Armin Mizani, Council Member Shannon Dubberly, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, Council Member Beckie Paquin and Council Member Chris Whatley.**

**NAY: 1 - Council Member Ross McMullin.**

## H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving an amendment to the previously approved Planned Development zoning by adding medical and office uses and minor medical emergency clinic \(with an approved SUP\) to the use table, situated on a 0.827-acre tract of land, located on the north side of North Tarrant Parkway, approximately 600 feet northeast from the intersection of Rufe Snow Drive and North Tarrant Parkway, legally described as Lot 3, Block A Highland Oaks Crossing, zoned Planned Development - Retail \(PD-R\), and addressed as 861 North Tarrant Parkway \(Account #:42550121\). Dunaway Associates, Applicant; TAK Enterprises, Owner. \(Z-21-0008\)y](#)

**Attachments:** [081721\\_ProposedOrdinance.docx](#)

[081721\\_Maps.pdf](#)

[081721\\_Exhibit A - Application and Narrative.pdf](#)

[081721\\_Staff Attachment A - Ordinance No. 1875.pdf](#)

[081721\\_Staff Attachment B - Trip Generation Forms.pdf](#)

[Presentation\\_861\\_N\\_Tarrant\\_PD\\_Amendment.pdf](#)

Senior Planner Trish Sinel gave a presentation related to approving an amendment to the previously approved Planned Development zoning by adding medical and office uses and minor medical emergency clinic (with an approved SUP) to the use table at 861 North Tarrant Parkway.

Mayor Mizani opened the public hearing.

Chance Leblanc, Planner with Dunaway Associates, spoke regarding the project.

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

Discussion was held by Council. Paul Moss, TAK Enterprises, addressed questions from the City Council.

**A motion was made by Sean Hicks, seconded by Council Member Shannon Dubberly, to approve an ordinance approving an amendment to the previously approved Planned Development zoning by adding medical and office uses and**

minor medical emergency clinic (with an approved SUP) to the use table, situated on a 0.827-acre tract of land, located on the north side of North Tarrant Parkway, approximately 600 feet northeast from the intersection of Rufe Snow Drive and North Tarrant Parkway, legally described as Lot 3, Block A Highland Oaks Crossing, zoned Planned Development - Retail (PD-R), and addressed as at 861 North Tarrant Parkway. The motion failed by the following vote:

**AYE: 2 - Mayor Pro Tem Hicks and Council Member Sheri Almond.**

**NAY: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Beckie Paquin, Council Member Chris Whatley and Council Member Ross McMullin.**

- [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Breeze Urgent Care \(Texas Health Resources\) to occupy a 3,420 square-foot lease space, within a 5,958 square-foot multi-tenant building, on a 0.827-acre tract of land, located on the north side of North Tarrant Parkway, approximately 600 feet northeast from the intersection of Rufe Snow Drive and North Tarrant Parkway, legally described as Lot 3, Block A Highland Oaks Crossing, zoned Planned Development - Retail \(PD-R\), and addressed as 861 North Tarrant Parkway Suite 100 \(Account #:42550121\). DLR Group, Applicant; TAK Enterprises, Owner. \(SUP-21-0026\)](#)

**Attachments:** [081721 Breeze Urgent Care SUP ProposedOrdinance.docx](#)  
[081721 Breeze Urgent Care SUP Maps.pdf](#)  
[081721 Breeze Urgent Care SUP Staff Attachment A - Application and Information.pdf](#)  
[Presentation Breeze Urgent Care SUP.pdf](#)

No action was taken on this item.

- [PUBLIC HEARING: Consider a resolution approving a Final Plat with a variance request to Section 8.03 of the Unified Development Code for Lot 1, Block A Rise Realty Addition, being 0.79-acres located on the east side of Woodlawn Court, zoned Single-Family 20,000 square-foot lots \(SF-20\), currently addressed as 1490 Randol Mill Avenue, to be addressed as 1483 Woodlawn Court if approved. Bryson Connally, applicant; Rise Realty DFW, LLC, owner. \(P-21-0023\)](#)

**Attachments:** [081721 1490 Randol Mill Proposed Resolution](#)  
[081721 1490 Randol Mill Aerial and Zoning Maps](#)  
[081721 1490 Randol Mill Proposed Plat](#)  
[081721 1490 Randol Mill Application](#)  
[Presentation Randol Mill Plat.pdf](#)

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

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

A motion was made by Council Member Chris Whatley, seconded by Council Member Beckie Paquin, to approve Resolution No. 4400 approving a Final Plat with a variance request to Section 8.03 of the Unified Development Code for Lot 1, Block A Rise Realty Addition, being 0.79-acres located on the east side of Woodlawn Court, zoned Single-Family 20,000 square-foot lots (SF-20), currently addressed as 1490 Randol Mill Avenue, to be addressed as 1483 Woodlawn Court if approved, with the following variance:

1. Allow the lot width of 107 feet rather than the 120-foot required in the Single-Family 20,000 square-foot lot (SF-20) zoning district.

The motion carried unanimously.

4. [PUBLIC HEARING: Consider an ordinance approving a zoning change application from Retail to Single-Family 36,000 square-foot lots or larger, for a 6,363 square-foot building, on 1.41-acres, located on the south side of Bandit Trail, situated approximately 300-feet from the intersection of Davis Boulevard and Bandit Trail, located at 765 Bandit Trail, legally described as Lot 1, Block A, Bandit Addition and zoned Retail \(R\). Xuwei Jiang owner/applicant. \(Z-21-0007\)](#)

[Attachments:](#) [081721\\_765 Bandit Trail Rezone Proposed Ordinance](#)  
[081721\\_765 Bandit Rezone Aerial and Zoning Maps](#)  
[081721\\_765 Bandit Rezone Staff Attachment A Application and Existing Conditions](#)  
[081721\\_765 Bandit Rezone Staff Attachment B Future Land Use Map](#)  
[Presentation: 765 Bandit Trail Rezone](#)

Mayor Armin Mizani opened the public hearing.

Mr. Craig Carson, 756 Bandit Trail, spoke in support of this item.

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, 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. 2032 approving a zoning change application from Retail to Single-Family 36,000 square-foot lots or larger, for a 6,363 square-foot building, on 1.41-acres, located on the south side of Bandit Trail, situated approximately 300-feet from the intersection of Davis Boulevard and Bandit Trail, located at 765 Bandit Trail. The motion carried unanimously.

5. [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 North 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)

**Attachments:** [081721\\_Carport SUP Proposed Ordinance](#)  
[081721\\_Carport SUP Aerial and Zoning Maps](#)  
[081721\\_Carport SUP Staff Attachment A- Application and Plans](#)  
[081721\\_Carport SUP Staff Attachment B- Opposition Letters](#)  
[081721\\_Carport SUP Staff Attachment C- Opposition Map](#)  
[081721\\_Carport SUP Staff Attachment D- Pictures](#)  
[081721\\_Carport SUP Staff Attachment E- Email Requesting to Table Presentation Lazy Lane Carport SUP.pdf](#)

Mayor Armin Mizani opened the public hearing.

Mr. Alan Voss, 2004 Lazy Lane, spoke in opposition of this item.

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

**A motion was made by Council Member Sheri Almond, seconded by Council Member Shannon Dubberly, to deny 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 North 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. The motion carried unanimously.**

6. [Consider a resolution of the City Council of the City of Keller, Texas, to consider a proposal to adopt a tax rate that will be lower than the no new revenue and voter-approval tax rates; and providing an effective date.](#)

**Attachments:** [081721\\_Max Tax Rate Resolution](#)  
[Presentation: Max Tax Rate](#)

Administrative Services Director Aaron Rector gave a presentation which highlighted the requirements to adopt the budget and tax rate, tax rate terminology, Keller's property tax rate history, levy with certification, tax rate options, tax mitigation timeline, the cost of City services for the average residential taxpayer, the next steps in the budget timeline and action needed by City Council.

**A motion was made by Council Member Ross McMullin, seconded by Council Member Sheri Almond, to approve Resolution No. 4401 of the City Council of the City of Keller, Texas, to consider a proposal to adopt a tax rate that will be lower than the no new revenue and voter-approval tax rates; and providing an effective date. The motion carried unanimously.**

## I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

**J. ADJOURN**

Mayor Armin Mizani adjourned the Regular Meeting at 8:20 P.M. and reconvened the Work Session at 8:27 P.M.

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Mayor

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City Secretary