



# 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, June 20, 2023

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#### 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 5:07 P.M.

The following City Council Members were present:

Mayor Armin Mizani

Council Member Shannon Dubberly

Council Member Jessica Juarez

Council Member Tag Green

Mayor Pro Tem Ross McMullin (by teleconference at 5:07 P.M.) (in-person at 6:38 P.M.)

Council Member Sean Hicks and Council Member Chris Whatley were 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 Linan, 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.

##### **C. EXECUTIVE SESSION**

Mayor Armin Mizani recessed the Pre-Council Meeting at 5:26 P.M. so that the City Council could meet in an Executive Session in accordance with State Law.

1. Section 551.072, Texas Government Code - Deliberation Regarding Real Property; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
  - a. [205 S. Elm Street](#)

2. Section 551.074, Texas Government Code - Personnel Matters. (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- a. [City Manager Annual Review](#)

3. Adjourn into Open Meeting.

Mayor Armin Mizani called the Pre-Council Meeting back to order at 6:38 P.M.

4. Action on Executive Session Items 1 and 2 if necessary.

No action was taken.

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

1. [Discuss modifying Unified Development Code guidelines related to private murals.](#)

Interim Community Development Director Sarah Hensley and Economic Development Mary Culver gave a presentation relating to murals. The City Council directed City Staff to move forward with the addition of Murals, with approval by Specific Use Permit, to the Town Center Zoning District.

2. [Budget Strategic Planning - 5 Year CIP and Outstanding Debt for Water/Wastewater & Drainage](#)

Director of Administrative Services Aaron Rector gave a presentation relating to the 5 Year CIP and Outstanding Debt for Water/Wastewater & Drainage.

3. [City Council Updates on Boards and Commissions](#)

Interim Community Development Director Sarah Hensley addressed the City Council regarding the challenges with the composition of the Corridor Committee. City Staff proposed changing the Corridor Committee to be filled by Economic Development Board Members in order to have consistency among the members. The City Council directed City Staff to keep the composition of the Corridor Committee the same.

#### **E. ADJOURN**

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:55 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

Mayor Mizani reconvened the Pre-Council Meeting at 9:11 P.M, and adjourned the Pre-Council Meeting at 9:39 P.M.

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

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

Mayor Armin Mizani called the Regular Council Meeting to order at 7:07 P.M.

#### **B. INVOCATION**

Pastor Trey Grant, The Well Church, gave the invocation.

### C. PLEDGE OF ALLEGIANCE

Pastor Trey Grant, The Well Church, 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. [Recognition of Sasha Crawford of Keller High School Track & Field](#)

Mayor Armin Mizani recognized Sasha Crawford's winning of the 800M State Championship at the Texas UIL Class 6A State Track and Field Meet.

2. [Recognition of Miss Tarrant County, Miss Roanoke, and Miss Keller's Teen](#)

Mayor Armin Mizani welcomed Miss Tarrant County Ellie Breaux, Miss Keller's Teen Lauren Palfrey, and Miss Roanoke Sydney Reardon to the City Council Meeting and invited them each to address the City Council.

### 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.

Ms. Juri Marsh Roberts, 405 Shumard Oak Trail; and Mr. Tyler Young, 1728 Sawtooth Trail, expressed concerns with Old Business Item G-1, the request for a SUP for an accessory structure at 1517 Willis Lane.

### 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 Tuesday, June 6, 2023 Regular City Council Meeting.](#)

Approved.

2. [Consider a resolution approving a professional services agreement with HR Green, Inc. of Plano, Texas; to provide professional engineering services related to drainage evaluation and rehabilitation along Whitley Road in the amount of \\$85,000, and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller.](#)

Texas.

Resolution No. 4665 approves an Agreement for Professional Services with HR Green, Inc., of Plano, Texas to provide professional engineering services related to drainage evaluation and rehabilitation, for the Public Works Department, in the amount of \$85,000.00, in accordance with the terms and conditions set forth in said Agreement for Professional Services; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

3. Consider a resolution approving the purchase of a replacement sewer easement machine and associated equipment from CLS Equipment Company, Inc. of Richardson, Texas through the Buyboard Purchasing Cooperative; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

Resolution No. 4666 approves the purchase of a sewer easement machine and associated equipment from CLS Equipment Company, Inc. of Richardson, Texas, through the Buyboard Purchasing Cooperative, in the amount of \$71,066.88; and further authorizes the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

4. Consider a resolution terminating the contract approved by Resolution No. 4442 on November 16, 2021 with A&B Construction, LLC of Dallas, Texas, and authorizing the City Manager to provide the seven (7) day written notice per sections 15.02.A.1 and 15.02.B of the contract documents.

Resolution No. 4667 terminates the contract with A&B Construction, LLC of Dallas, Texas approved by Resolution No. 4442 on November 16, 2021.

**G. OLD BUSINESS**

1. Consider an ordinance approving two Specific Use Permits (SUPs) for an approximately 3,000 square-foot accessory structure with an average height of 15' on .83 acre, on the east side of Willis Lane, approximately 275 feet from the intersection of Calais Drive and Willis Lane, legally described as Lot 15, Block D of the Willis Coves Addition, zoned Planned Development-Single-Family Lots 12,000 square-feet or greater (PD-SF-12) and addressed 1517 Willis Lane. 41:10 Construction Group, Applicant. Michael Colangelo, Owner. (SUP-23-0014)

Interim Community Development Director Sarah Hensley gave a presentation relating to the request for two Specific Use Permits (SUPs) for an approximately 3,000 square-foot accessory structure at 1517 Willis Lane.

Mr. Michael Colangelo, owner/applicant, gave a presentation relating to his proposed accessory structure.

**A motion was made by Council Member Jessica Juarez, seconded by Council Member Tag Green, to approve two Specific Use Permits (SUPs) for an approximately 3,000 square-foot accessory structure with an average height of 15' at 1517 Willis Lane. The motion failed by the following vote:**

**AYE: 2 - Council Member Jessica Juarez, and Council Member Tag Green.**

**NAY: 3 - Council Member Shannon Dubberly, Mayor Armin Mizani, and Mayor Pro Tem Ross McMullin.**

**Mayor Armin Mizani asked for another motion. Item failed due to lack of a motion.**

## **H. NEW BUSINESS**

1. [PUBLIC HEARING: Fiscal Year 2023-24 Keller Development Corporation Budget.](#)

Director of Community Development Cody Maberry and Director of Administrative Services Aaron Rector gave a presentation relating to the proposed Fiscal Year 2023-24 Keller Development Corporation Budget.

Mayor Armin Mizani opened the Public Hearing. No public comments were received.

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

2. [PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits \(SUPs\) to allow the property owner to reside in the existing 1,250 square-foot structure while a new main structure is being built, and to allow the 1,250 square-foot structure to remain on the property as an accessory structure after the new home is completed, on property legally described as Lot 1, Block A of the Herrera Addition \(listed as Bancroft Addition with the Tarrant Appraisal District\), being 1.08-acres, located on the north side of Bancroft Road, at the intersection of Bancroft Road and Double Springs Lane, zoned Single-Family 36,000 square-foot lots or greater \(SF-36\) and addressed as 1125 Bancroft Road. Mariel Herrera-Ledezma, Owner/Applicant. \(SUP-23-0017\).](#)

Interim Community Development Director Sarah Hensley gave a presentation related to the request for two Specific Use Permits (SUPs) to allow the property owner to reside in the existing structure while a new main structure is being built, at 1125 Bancroft Road.

Ms. Mariel Herrera-Ledezma, applicant, addressed the City Council regarding the proposal.

Mayor Armin Mizani opened the Public Hearing. No public comments were received.

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

**A motion was made by Council Member Tag Green, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2125 approving two Specific Use Permits (SUPs) to allow the property owner to reside in the existing 1,250 square-foot structure while a new main structure is being built, and to allow the 1,250 square-foot structure to remain on the property as an accessory structure after the new home is completed, on property legally described as Lot 1, Block A of the Herrera Addition (listed as Bancroft Addition with the Tarrant Appraisal District), being 1.08-acres, located on the north side of Bancroft Road, at the**

intersection of Bancroft Road and Double Springs Lane, zoned Single-Family 36,000 square-foot lots or greater (SF-36) and addressed as 1125 Bancroft Road, with the following conditions:

1. That the kitchen facilities be removed from the accessory structure within two months of the building final on the new home.
2. The Specific Use Permit allowing the Applicant to reside in the existing accessory structure while new primary residence is being built shall expire within 24 months of the approval date of this Ordinance.

The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Golden Haus to operate a Spa to include Cosmetologists \(Hair, Nails, Face\) and Massage in an existing 1,048 square-foot structure, on .17 acres located on the south side of Taylor Street, approximately 300 feet southwest of the intersection of South Elm Street and Taylor Street, legally described as Lot 3R, Block 11 of Keller City Addition, zoned Old Town Keller and addressed 126 Taylor Street. Domenic Seminara, Owner, Janae Samuel, Applicant. \(SUP-23-0016\)](#)

Interim Community Development Director Sarah Hensley gave a presentation related to the request for a Specific Use Permit (SUP) for Golden Haus to operate a Spa at 126 Taylor Street.

Ms. Janae Samuel, applicant, addressed the City Council regarding the proposal.

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 Jessica Juarez, to close the public hearing. The motion carried unanimously.**

**A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2126 approving a Specific Use Permit (SUP) for Golden Haus to operate a Spa to include Cosmetologists (Hair, Nails, Face) and Massage in an existing 1,048 square-foot structure, on .17 acres located on the south side of Taylor Street, approximately 300 feet southwest of the intersection of South Elm Street and Taylor Street, legally described as Lot 3R, Block 11 of Keller City Addition, zoned Old Town Keller and addressed 126 Taylor Street. The motion carried unanimously.**

4. [Consider a resolution approving a Site Plan with variances for a new 4,315 square-foot shell building, on .20-acre, located on the east side of South Elm Street, approximately 100 feet northwest of the Olive Street and South Elm Street intersection, located at 207 South Elm Street, legally described as Abstract 1171 Tract 10A and 12 C of Samuel Needham Survey and zoned Old Town Keller \(OTK\). Brian Palfrey, Owner/Applicant. \(SP-23-0007\)](#)

Interim Community Development Director Sarah Hensley gave a presentation related to the request for a Site Plan with variances for a new 4,315 square-foot shell building, at 207 South Elm Street.

Mr. Brian Palfrey, applicant, addressed the City Council regarding the proposal.

**A motion was made by Mayor Armin Mizani, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4668 approving a Site Plan with variances for a new 4,315 square-foot shell building, on .20-acre, located on the east side of South Elm Street, approximately 100 feet northwest of the Olive Street and South Elm Street intersection, located at 207 South Elm Street, legally described as Abstract 1171 Tract 10A and 12 C of Samuel Needham Survey and zoned Old Town Keller (OTK), with the following conditions:**

- 1. A Variance to Section 9.02(G) of the Unified Development Code (UDC) to provide 7 parking spaces (plus 2 accessible spaces) in lieu of the required 35 parking spaces shall be allowed.**
- 2. A Variance to UDC Section 9.01(D)(2) to allow the dumpster enclosure doors to face South Elm Street shall be allowed.**
- 3. A Variance to UDC Section 8.19(7)(b)(1) to not plant the two required two canopy trees in order to avoid the existing power lines along South Elm Street shall be allowed.**
- 4. A Variance to UDC Section 9.03(F)(1)(b) to allow a 10' landscape buffer in lieu of the required 15' along South Elm Street shall be allowed.**
- 5. A Variance to UDC Section 9.03(F)(1)(d) to have no side yard buffer on the north property line and a 5' buffer on the east property line in lieu of the required 10' buffer for each shall be allowed.**
- 6. A Variance to UDC Section 9.03(F)(c) to allow a 5' buffer in lieu of the required 30' on the south property line shall be allowed.**
- 7. A Variance to UDC Section 9.03(F)(2) to plant no trees in the side yard buffer on the north property line shall be allowed.**
- 8. A Variance to UDC Section 9.03(F)(2) to plant 2 trees in lieu of the required 7 trees required in the rear yard buffer on the east property line shall be allowed.**
- 9. A Variance to UDC Section 9.03(F)(3) to plant no trees in lieu of the 2 required in the parking lot shall be allowed.**

The motion carried by the following vote:

**AYE: 4 - Council Member Shannon Dubberly, Council Member Jessica Juarez, Mayor Armin Mizani, and Mayor Pro Tem Ross McMullin.**

**NAY: 1 - Council Member Tag Green.**

5. [Consider an ordinance amending the City of Keller Code of Ordinances by amending Article I - Technical Codes, Section 4-120, Specific Amendments to the 2021 International Building Code and Section 4-135, Specific Amendments to the 2021 International Fire Code related to inconsistencies in references to fire area for structures over 6,000 square-feet; providing a cumulative clause; providing a severability clause; providing a savings clause; authorizing publication; and establishing an effective date.](#)

Interim Community Development Director Sarah Hensley gave a presentation related to amending the City of Keller Code of Ordinances by amending Article I - Technical Codes, related to inconsistencies in references to fire area for structures over 6,000 square-feet.

Fire Marshal Debra Crafton addressed the City Council regarding the proposal.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Tag Green, to approve Ordinance No. 2127 amending the City of Keller Code of Ordinances by amending Article I - Technical Codes, Section 4-120, Specific Amendments to the 2021 International Building Code and Section 4-135, Specific Amendments to the 2021 International Fire Code related to inconsistencies in references to fire area for structures over 6,000 square-feet; providing a cumulative clause; providing a severability clause; providing a savings clause; authorizing publication; and establishing an effective date. The motion carried unanimously.**

## **I. EXECUTIVE SESSION**

Executive Session was not held during the Regular Meeting.

1. Section 551.072, Texas Government Code - Deliberation Regarding Real Property; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
  - a. [205 S. Elm Street](#)
2. Section 551.074, Texas Government Code - Personnel Matters. (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;
  - a. [City Manager Annual Review](#)
3. Adjourn into Open Meeting.
4. Action on Executive Session Items 1 and 2 if necessary.

**J. ADJOURN**

Mayor Armin Mizani adjourned the Regular City Council Meeting at 9:06 P.M. to continue the Work Session.

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Mayor

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City Secretary

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