



City of Keller

City Council

Meeting Minutes

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

Tuesday, June 21, 2022

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 5:02 P.M.

The following City Council Members were present:

Mayor Armin Mizani

Council Member Shannon Dubberly

Mayor Pro Tem Sean Hicks (arrived at 5:07 P.M.)

Council Member Jessica Juarez (arrived at 5:17 P.M.)

Council Member Tag Green

Council Member Ross McMullin

Council Member Chris Whatley was absent.

The following City staff members were present: City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Matthew Butler, Director of Community Services Cody Maberry, Director of Public Works Alonzo Liñán, Director of Human Resources Marcia Reyna, Assistant Director of Community Development Sarah Hensley, Economic Development Specialist Siale Langi, Police Chief Bradley G. Fortune, Interim Fire Chief Richard Whitten, and Deputy Fire Chief Shane Gainer.

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 5:13 P.M. so that the City Council could meet in an Executive Session in accordance with State Law.

Mayor Armin Mizani recessed the Pre-Council Meeting at 10:00 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. [Old Town Keller Phase II: 142 E. Vine 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](#)

3. Adjourn into Open Meeting.

Mayor Armin Mizani reconvened the Pre-Council Meeting at 6:15 P.M. with the intent to return to Executive Session at the conclusion of the Regular Meeting.

Mayor Armin Mizani reconvened the Pre-Council Meeting at 11:04 P.M.

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

No action was taken on the Executive Session items.

D. WORK SESSION

1. [Budget Strategic Planning - 5 Year CIP and Outstanding Debt](#)

Attachments: [Work Session - CIP and Debt](#)

Director of Administrative Services Aaron Rector gave a presentation relating to the 5 Year Capital Improvements Plan (CIP) and Outstanding Debt.

2. [Discussion on Marshall Point/Ridge Drainage](#)

Mr. David Tashman, Marshall Point HOA President, gave a presentation relating to drainage issues within the Marshall Point residential subdivision.

Director of Public Works Alonzo Liñán addressed the City Council regarding the drainage issue.

City Attorney Matthew Butler stated the Texas State Law says that public funds cannot be used for private purpose.

Mayor Armin Mizani stated that he is in support of any improvements to areas where public land meets private land, but agrees with the State Law regarding public funds.

Mayor Pro Tem Sean Hicks recused himself from the discussion because he lives in the Marshall Point neighborhood.

Council Member Shannon Dubberly, Council Member Jessica Juarez, and Council Member Tag Green would like more information, and have questions and concerns that would need to be resolved prior to making a decision.

Council Member Ross McMullin expressed empathy with the Marshall Point HOA, but stated that he does recognize that the area is private property and is concerned with setting precedents. He would like the City Council Members' questions to be answered prior to any decision making. Council Member McMullin also recognized the State Law

regarding the use of public funds for private property.

The City Council directed City staff to not take any action at this time, and to add the Marshall Pointe drainage issue to a future agenda if two members of the City Council request it to be added for further discussion.

3. [Discussion relating to the Fence Ordinance and the Food Truck Ordinance.](#)

Council Member Ross McMullin expressed his concerns with current regulations for fencing. Discussion was held by the City Council, and then directed staff to research and benchmark surrounding cities' approach to grandfathering existing fences. Any additional questions from City Council will be emailed to Director of Community Development Julie Smith, and staff will bring their findings back to the Council in the Fall (September/October).

Mayor Armin Mizani expressed his concerns with current regulations for Food Trucks. Discussion was held by the City Council, and then directed Fire Marshal Debra Crafton to explore a possible reciprocity arrangement with other communities for the required fire inspection each food truck receives. Staff will report their findings at the August 2, 2022 Regular City Council meeting.

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

Council Member Jessica Juarez stated that the Keller Crime Control and Prevention District approved their annual budget and it will be presented to City Council on July 5, 2022.

E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:50 P.M. with the intent to continue the Work Session and the Executive Session at the conclusion of the Regular Meeting.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 11:04 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 7:04 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 - 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.

No public comments were 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, June 7, 2022 Regular City Council Meeting.](#)

Attachments: [060722 Minutes](#)

Approved.

2. [Consider a resolution approving an Agreement for Engineering Services with Baird, Hampton & Brown of Grapevine, Texas; for the purpose of providing Phase 3 of the Master Drainage Plan 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: [062122 DrainageMasterPlanPh3 Resolution](#)
[062122 DrainageMasterPlanPh3 ExhibitA](#)

Resolution No. 4526 hereby approves an Agreement with Baird, Hampton and Brown, of Grapevine, Texas to provide engineering services relating to Phase 3 of the Master Drainage Plan, for the Public Works Department in the amount of \$224,730.00, in accordance with the terms and conditions set forth in said Agreement for Engineering 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 authorizing the City Manager to execute an Interlocal Agreement between the Cities of Keller, Southlake, Grapevine and Colleyville, Texas, for participation](#)

[in the Metroport Teen Court Program, effective October 1, 2021.](#)

Attachments: [062122 TeenCourt Resolution](#)
[062122 TeenCourt Exhibit A](#)

Resolution No. 4527 hereby approves an Interlocal Agreement between the Cities of Keller, Southlake, Grapevine and Colleyville, Texas, for participation in the Metroport Teen Court Program, effective October 1, 2021, in accordance with the terms and conditions set forth in said Agreement, with the City of Keller paying the City of Southlake \$36,000.00 for participation and paid from the Fiscal Year 2021-22 General Fund; and further authorizes the City Manager to execute said Agreement on behalf of the City of Keller, Texas.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Freedom Freeze, a seasonal snow cone stand on approximately 0.36-acre tract of land on the south side of Keller Parkway \(FM 1709\), approximately 650 feet southwest from the intersection of Pate Orr Road and Keller Parkway, legally described as Lot 1R1, Block 1 of Burke Simonak Addition, zoned Retail \(R\) and addressed 804 Keller Parkway. 22Thirty Properties, LLC, Owner. Emily Bulkley, Applicant. \(SUP-22-0012\)](#)

Attachments: [062122 Freedom Freeze SUP ORDINANCE](#)
[062122 FreedomFreeze SUP MAPS](#)
[062122 FreedomFreeze SUP StaffAttachmentA](#)
[062122 FreedomFreeze SUP StaffAttachmentB](#)
[Item H-1 Freedom Freeze SUP Presentation](#)

Director of Community Development Julie Smith gave a presentation relating to the request for a SUP for Freedom Freeze, a seasonal snow cone stand at 804 Keller Parkway.

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.

Discussion was held by the City Council.

Mayor Armin Mizani and Council Member Tag Green expressed their concerns with Freedom Freeze being compatible with the surrounding businesses.

Council Member Ross McMullin stated that he would support a 1-year limit on the Specific Use Permit, to determine if the location is suitable for the seasonal snow cone stand.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Ross McMullin, to approve Ordinance No. 2069 approving a Specific Use

Permit (SUP) for Freedom Freeze, a seasonal snow cone stand on approximately 0.36-acre tract of land on the south side of Keller Parkway (FM 1709), approximately 650 feet southwest from the intersection of Pate Orr Road and Keller Parkway, legally described as Lot 1R1, Block 1 of Burke Simonak Addition, zoned Retail (R) and addressed 804 Keller Parkway, with the following condition:

1. A SUP to operate a seasonal snow cone stand from April to September in the parking lot of Embrace Balance Family Chiropractic for one year shall be allowed.

The motion carried by the following vote:

YES: 4 - Council Member Shannon Dubberly, Mayor Pro Tem Sean Hicks, Council Member, Jessica Juarez, and Council Member Ross McMullin.

NAY: 2 - Mayor Armin Mizani and Council Member Tag Green.

2. [PUBLIC HEARING: Consider an ordinance approving three Specific Use Permits \(SUPs\) for a 2,948 square-foot detached accessory structure with an average height of 17 ½ feet, located on 1.07 acre, situated on the east side of Willis Lane, approximately 1,318 feet northeast of the intersection of Willis Lane and North Tarrant Parkway, legally described as Lot 17, Block 1 of Ashley-Alden addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and addressed 1909 Willis Lane. Steven Townsend, Owner/Applicant. \(SUP-22-0013\)](#)

Attachments: [062122 1909 Willis Ln SUP ORDINANCE](#)

[062122 WillisLane SUP MAPS](#)

[062122 WillisLane SUP Example Structure](#)

[062122 WillisLane SUP Staff Attachment A - Application and Site Plan](#)

[062122 WillisLane SUP Staff Attachment B - Proposed Elevations and Floor Plans](#)

[062122 WillisLane SUP Staff Attachment C - Updated Elevations and Floor Plans](#)

[Item H-2 Willis Lane SUP Presentation](#)

Assistant Director of Community Development Sarah Hensley gave a presentation relating to the request for a SUP at 1909 Willis Lane for a 2,948 square-foot detached accessory structure with three conditions relating to size, height, and for the accessory structure to exceed 50% of the existing home.

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

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

Discussion was held by the City Council.

Council Member Tag Green expressed his concerns with the size of the accessory

structure.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin, to approve Ordinance No. 2070 approving three Specific Use Permits (SUPs) for a 2,948 square-foot detached accessory structure with an average height of 17 ½ feet, located on 1.07 acre, situated on the east side of Willis Lane, approximately 1,318 feet northeast of the intersection of Willis Lane and North Tarrant Parkway, legally described as Lot 17, Block 1 of Ashley-Alden addition, zoned Single-Family 36,000 square-foot lot size or greater (SF-36) and addressed 1909 Willis Lane, with the following conditions:

1. A SUP for the size of the accessory structure to be 2,948 square feet and exceed the 1,200 square-foot maximum in SF-36 zoning shall be allowed.
2. A SUP for the size of the accessory structure to exceed 50% of the existing home (2,639 square-feet) shall be allowed.
3. A SUP for the height of the accessory structure to exceed the UDC requirement of an average of 15 feet tall. The proposed height is an average of 17.5 feet with a peak of 19 feet shall be allowed

The motion carried by the following vote:

YES: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Mayor Pro Tem Sean Hicks, Council Member, Jessica Juarez, and Council Member Ross McMullin.

NAY: 1 - Council Member Tag Green.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Aloha Nails and Spa, on an approximately 0.77-acre tract of land on the west side of Davis Boulevard, approximately 325 feet southwest from the intersection of Davis Boulevard and Bear Creek Parkway, legally described as Lot 6, Block A of Hidden Lakes Center - Keller Addition, zoned Commercial \(C\) and addressed 8825 Davis Boulevard, Suite 125. Fraz LLC, Owner. Mai Thi Phuong Nguyen, Applicant. \(SUP-22-0014\)](#)

Attachments: [062122 Aloha Nails SUP ORDINANCE](#)

[062122 Aloha Nails SUP MAPS](#)

[062122 Aloha Nails Staff Attachment](#)

[Item H-3 Aloha Nails SUP Presentation](#)

Director of Community Development Julie Smith gave a presentation relating to the request for a SUP for Aloha Nails and Spa, at 8825 Davis Boulevard, Suite 125.

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

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 Armin Mizani, seconded by Mayor Pro Tem Sean Hicks, to approve Ordinance No. 2071 approving a Specific Use Permit (SUP) for Aloha Nails and Spa, on an approximately 0.77-acre tract of land on the west side of Davis Boulevard, approximately 325 feet southwest from the intersection of Davis Boulevard and Bear Creek Parkway, legally described as Lot 6, Block A of Hidden Lakes Center - Keller Addition, zoned Commercial (C) and addressed 8825 Davis Boulevard, Suite 125. The motion carried unanimously.

4. [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 Article 3 - Definitions and Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to kennels, veterinarian clinics and grooming facilities; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-22-0003\)](#)

Attachments: [062122 UDC Amend-Kennels ORDINANCE](#)
[062122 UDC Amend-Kennels Staff Attachment](#)
[062122 UDC Amend-Kennels Exhibit A](#)
[Item H-4 UDC Amend Kennels Presentation](#)

Director of Community Development Julie Smith gave a presentation relating to the request for an amendment to the City of Keller Unified Development Code (UDC), relating to kennels, veterinarian clinics and grooming facilities.

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

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

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Jessica Juarez, to approve Ordinance No. 2072 approving an amendment to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 3 - Definitions and Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to kennels, veterinarian clinics and grooming facilities; authorizing publication; provide for penalties; and establishing an effective date. The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Council 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. [Old Town Keller Phase II: 142 E. Vine 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](#)
3. Adjourn into Open Meeting.
4. Action on Executive Session Items 1 and 2 if necessary.

No action was taken.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular Council Meeting at 8:35 P.M. so that the City Council could reconvene the Pre-Council Meeting Work Session and then meet in an Executive Session in accordance with State Law.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 11:04 P.M.

Mayor

City Secretary