



City of Keller

City Council

Meeting Minutes

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

Tuesday, April 4, 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 5:01 P.M.

The following City Council Members were present:

Mayor Armin Mizani

Council Member Shannon Dubberly

Council Member Sean Hicks left at 10:00

Council Member Jessica Juarez left at 11:50

Council Member Chris Whatley arrived at 5:38 P.M.

Council Member Tag Green

Mayor Pro Tem Ross McMullin arrived at 6:40 P.M.

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 Liñán, Assistant Director of Community Services Sarah Hensley, Director of Human Resources Marcia Reyna, Director of Economic Development Mary Culver, and Police Captain Chad Allen.

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. [Budget Strategic Planning - Annual Financial Report Presentation and Fund Types.](#)

Ms. Laura Lunch, Whitley Penn, gave a presentation relating to the Annual Financial Report. Director of Administrative Services Aaron Rector discussed Fund Types.

2. [Capital Improvement Projects Update](#)

Director of Public Works Alonzo Liñán gave a presentation relating to recent Capital Improvement Projects.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:53 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 7:04 P.M.

B. INVOCATION

Associate Campus Pastor Caitlin Remington, Life.Church Keller, 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. [Proclamation- Child Abuse Prevention Month](#)

Mayor Armin Mizani and Council Member Jessica Juarez presented a proclamation to Ms. Julie Evans, Alliance For Children CEO recognizing April 2023 as Child Abuse Prevention Month.

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. Cheryl Weiskircher, 1617 Overlook Terrace, expressed concerns with noise and construction activity at Northeast Park.

The following individuals expressed their support of four additional pickleball courts at Bear Creek Park: Ms. Tika Cadambi, 957 Monarch Way; Mr. Jason Swanson, 1115 Holland Lane; Ms. Debbie Bryan, 760 Mt. Gilead; Mr. Dave Roberts, 723 Meandering Woods Drive; Mr. Jens Verloop, 1957 Denali Lane; Mr. Kenneth Curley, 1200 Bridgeton Lane; Mr. Erik Leist, 214 Chandler Road; and Mr. Tom Springmeier, 809 Placid View.

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, March 21, 2023 Regular City Council Meeting.](#)

Approved.

2. [Consider a resolution adopting 46,060 as the official population as of January 1, 2022, for the City of Keller, Texas.](#)

Resolution No. 4640 adopts 46,060 as the official population as of January 1, 2022, for the City of Keller, Texas.

3. [Consider a resolution acknowledging receipt of the Annual Comprehensive Financial Report for the fiscal year ending September 30, 2022.](#)

Resolution No. 4641 acknowledges receipt of the Annual Comprehensive Financial Report for the fiscal year ending September 30, 2022.

4. [Consider a resolution approving a proposal for Third-Party Building Inspection Services with Safebuilt Texas, LLC, of Fort Worth, Texas, for the purpose of providing third-party building inspections services for a one \(1\) year period with an option for four \(4\) additional one \(1\) year renewal periods, not to exceed five \(5\) years; and authorizing the City Manager to execute all contract documents on behalf of the City of Keller, Texas.](#)

Resolution No. 4642 approves the Proposal for Third-Party Building Inspection Services with Safebuilt Texas, LLC, of Fort Worth, Texas; in the amount of \$150,000.00, with the option to renew for four (4) additional one-year periods, up to a total of five (5) years; and further authorizes the City Manager to execute all contract documents on behalf of the City of Keller, Texas.

5. [Consider an ordinance amending the City of Keller Code of Ordinances Chapter 12 - Parks and Recreation regarding littering; providing a maximum penalty of \\$500.00; providing a severability clause; and establishing an effective date.](#)

Ordinance No. 2113 amends the City of Keller Code of Ordinances Chapter 12 - Parks and Recreation regarding littering; providing a maximum penalty of \$500.00; providing a severability clause; and establishing an effective date.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving two amendments to an existing Specific Use Permit \(SUP\) by allowing a 1,250 square-foot addition onto an existing 2,000 square-foot accessory structure \(totaling 3,250 square-feet\) and exceeding the square-footage of the existing home \(under construction\) by more than 50%, legally described as Lot 2, Block A of the VRA Addition, being 5.69-acres, located at the intersection of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater \(SF-36\) and addressed as 901 Barbara Lane. 3:16 Roofing and Construction, Applicant. Sean Alibrando, Owner. \(SUP-23-0006\)](#)

Assistant Director Sarah Hensley gave a presentation relating to the request for amendments to an existing Specific Use Permit (SUP) by allowing a 1,250 square-foot addition onto an existing 2,000 square-foot accessory structure at 901 Barbara Lane.

Mr. Sean Alibrando, Owner, addressed the City Council regarding the proposal.

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

A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to Ordinance No. 2114 approving two amendments to an existing Specific Use Permit (SUP) by allowing a 1,250 square-foot addition onto an existing 2,000 square-foot accessory structure (totaling 3,250 square-feet) and exceeding the square-footage of the existing home (under construction) by more than 50%, legally described as Lot 2, Block A of the VRA Addition, being 5.69-acres, located at the intersection of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater (SF-36) and addressed as 901 Barbara Lane with the following amendments:

- 1. A 1,250 square-foot addition onto an existing 2,000 square-foot accessory structure (totaling 3,250 square-feet) shall be allowed.**
- 2. Exceeding the square-footage of the existing home (under construction with a total square footage of 5,505) by more than 50% shall be allowed.**

The motion carried unanimously.

- 2. [PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Code of Ordinances, Chapter 12 - Parks and Recreation, Section 12-160, by adopting the annual Youth Programs Standards of Care; providing a severability clause; authorizing publication; and providing an effective date.](#)**

Recreation Supervisor Michael Queen, The Keller Pointe, gave a presentation relating to the annual adoption of the Youth Programs Standards of Care for the Keller Pointe.

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 Shannon Dubberly, seconded by Council Member Tag Green, to approve Ordinance No. 2115 approving amendments to the City of Keller Code of Ordinances, Chapter 12 - Parks and Recreation, Section 12-160, by adopting the annual Youth Programs Standards of Care; providing a severability clause; authorizing publication; and providing an effective date. The motion carried unanimously.

- 3. [Consider a resolution approving the purchase and installation of park amenities including four lighted pickleball courts, one shade structure, and sidewalk and trail improvements for Bear Creek Park, from The Playground, Shade and Surfacing Depot, LLC., of Keller, Texas, through the Texas Association of School Boards \(TASB\) BuyBoard Cooperative](#)**

[Purchasing Program, for the Parks and Recreation Department; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Director of Community Services Cody Maberry gave a presentation relating to the purchase and installation of park amenities including four lighted pickleball courts, one shade structure, and sidewalk and trail improvements for Bear Creek Park.

Discussion was held by the City Council.

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Resolution No. 4643 approving the purchase and installation of park amenities including four lighted pickleball courts, one shade structure, and sidewalk and trail improvements for Bear Creek Park, from The Playground, Shade and Surfacing Depot, LLC., of Keller, Texas, through the Texas Association of School Boards (TASB) BuyBoard Cooperative Purchasing Program, for the Parks and Recreation Department; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas. The motion carried by the following vote:

AYE: 5 - Mayor Armin Mizani, Council Member Sean Hicks, Council Member Jessica Juarez, Council Member Tag Green, and Council Member Chris Whatley.

NAY: 2 - Council Member Shannon Dubberly and Mayor Pro Tem Ross McMullin.

4. [Consider a resolution approving an agreement for Design Services, Contract Administration and a Flood Plain Impact Study with Dunkin Sims Stoffels, Inc., of Garland, Texas, relating to the Bear Creek Park Parking Lot Additions, and further authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to deny an agreement for Design Services, Contract Administration and a Flood Plain Impact Study with Dunkin Sims Stoffels, Inc., of Garland, Texas, relating to the Bear Creek Park Parking Lot Additions. The motion carried unanimously.

5. [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 Alycia and David Routzon owners of property located at 200 South Main Street, Keller, TX 76248 for a City of Keller Facade Improvement Grant.](#)

Director of Economic Development Mary Culver gave a presentation relating to the request for a Chapter 380 Economic Development Agreement, with Alycia and David Routzon owners of property located at 200 South Main Street, for a City of Keller Facade Improvement Grant.

Discussion was held by the City Council.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Tag Green, to approve Resolution No. 4644 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 Alycia and David Routzon owners of property located at 200 South Main Street, Keller, TX 76248 for a City of Keller Facade Improvement Grant. The motion carried by the following vote:

AYE: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez, and Council Member Tag Green.

NAY: 2 - Council Member Chris Whatley and Mayor Pro Tem Ross McMullin.

6. [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 Tawni Hill business owner at the property located at 234 South Main Street, Keller, TX 76248 for a City of Keller Facade Improvement Grant.](#)

Director of Economic Development Mary Culver gave a presentation relating to the request for a Chapter 380 Economic Development Agreement, with Tawni Hill business owner at the property located at 234 South Main Street, Keller, TX 76248 for a City of Keller Facade Improvement Grant.

Mr. Cary Moon, property owner, addressed the City Council regarding the proposal.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4645 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 Tawni Hill business owner at the property located at 234 South Main for a City of Keller Facade Improvement Grant. The motion carried unanimously.

7. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to allow a drive-thru in an approximately 665 square-foot building for SWIG, a proposed quick-service restaurant on the east side of Rufe Snow Drive situated approximately 240 feet southeast of the North Tarrant Parkway and Rufe Snow Drive intersection, on approximately .758 acre, legally described as Lot 4R1, Block A, Keller Place Addition, zoned Retail \(R\), and addressed 2021 Rufe Snow Drive. Whitestone Keller Place LLC, Owner, Kofi Addo on behalf of Savory Development, Applicant. \(SUP-23-0005\)](#)

Assistant Director Sarah Hensley gave a presentation relating to the request for a Specific Use Permit (SUP) to allow a drive-thru for SWIG, a proposed quick-service restaurant at 2021 Rufe Snow Drive.

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 Sean Hicks, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2116 approving a Specific Use Permit (SUP) to allow a drive-thru in an approximately 665 square-foot building for SWIG, a proposed quick-service restaurant on the east side of Rufe Snow Drive situated approximately 240 feet southeast of the North Tarrant Parkway and Rufe Snow Drive intersection, on approximately .758 acre, legally described as Lot 4R1, Block A, Keller Place Addition, zoned Retail (R), and addressed 2021 Rufe Snow Drive. Wwith the following condition:

1. A Specific Use Permit to allow a drive-thru on the east side of Rufe Snow Drive at 2021 Rufe Snow Drive, for Swig, with the hours of operation being 7 A.M. to 9:30 P.M. Monday through Thursday, 7 A.M. to 10:30 P.M. on Friday, 8 A.M. to 10:30 P.M. on Saturday, and closed on Sunday, shall be allowed.

The motion carried by the following vote:

AYE: 5 - Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin.

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

8. [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 Article Eight - Zoning Districts, relating to supplemental regulations for fuel pumps in the Retail Zoning District; providing penalties; authorizing publication; and establishing an effective date. \(UDC-23-0004\)](#)

Council Member Sean Hicks left the meeting at 10:00 P.M.

Assistant Director Sarah Hensley gave a presentation relating to amendments to the City of Keller Unified Development Code (UDC), relating to supplemental regulations for fuel pumps in the Retail Zoning District.

Mayor Armin Mizani opened the public hearing. The following individuals expressed their opposition to fuel pumps, specifically the proposed Kroger Fuel Pumps proposed in item H-9: Mr. Matt Cerone, 1616 Meadow Park Drive; Ms. Christine Nielson dorsi, 1604 Meadow Park Drive; Ms. Samantha Vargas, 1618 Meadow Park Drive; Ms. Holly Dillon, 1701 Rolling Bend Court; Mr. Rick Nolan, 1810 Meadow Ridge Drive; Mr. Steven Flynn, 1612 Meadow Park Drive; Mr. James Vargas, 1618 Meadow Park Drive; Mr. Dean Mengel, 2009 Bradley Court; Mr. Tommy Beck, 1234 Valley Ridge Drive; and Mr. Joe Lotterhos, 1603 Woody Creek Drive.

The following individuals did not wish to speak, but wanted their opposition to fuel pumps, specifically the proposed Kroger Fuel Pumps proposed in item H-9 to be recorded: Mr.

Tom Dillon, 1701 Rolling Bend Court; Mr. Fredenico dorsi, 1604 Meadow Park Drive; Ms. Mary Ann Nolan, 1810 Meadow Ridge Drive; and Ms. Catherine Flynn, 1612 Meadow Park Drive.

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

Discussion was held by the City Council.

A motion was made by Mayor Armin Mizani, seconded by Council Member Tag Green, to approve Ordinance No. 2117 approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight - Zoning Districts, relating to supplemental regulations for Specific Use Permit requirements for fuel pumps related to large grocery stores in the Retail Zoning District; authorizing publication; providing a penalty; and establishing an effective date. The motion carried by the following vote:

AYE: 4 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Tag Green, and Mayor Pro Tem Ross McMullin.

NAY: 2 - Council Member Jessica Juarez and Council Member Chris Whatley.

9. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for fuel pumps/sales as an accessory use to a grocery store on 6.6 acres located on the east side of Rufe Snow Drive, approximately 440 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, legally described as Lot 2R1, Block A of Keller Place Addition, zoned Retail \(R\) and addressed 2061 Rufe Snow Drive. Whitestone Keller Place, LLC, Owner; Kroger Texas - Richard Binkley, Applicant. \(SUP-23-0008\)](#)

Assistant Director Sarah Hensley gave a presentation relating to a request for a Specific Use Permit (SUP) for fuel pumps/sales as an accessory use to a grocery store for Kroger, at 2061 Rufe Snow Drive.

Mayor Armin Mizani opened the public hearing. The individuals that spoke during the public hearing for Item H-8 asked for their comments to apply to Item H-9 as well.

No additional comments were received.

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

Mr. Richard Binkley, Senior Project Manager - Kroger; and Mr. Clay Cristy, ClayMoore Engineering, addressed the City Council regarding the proposal.

A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to approve the Specific Use Permit (SUP) for fuel pumps/sales as an accessory use to a grocery store at 2061 Rufe Snow Drive with the condition that the hours of operation for fuel pumps shall mirror the hours the

kiosk is staffed. The motion failed by the following vote:

AYE: 2 - Mayor Armin Mizani and Council Member Shannon Dubberly.

NAY: 4 - Mayor Pro Tem Ross McMullin, Council Member Jessica Juarez, Council Member Tag Green, and Council Member Chris Whatley.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve the Specific Use Permit (SUP) for fuel pumps/sales as an accessory use to a grocery store at 2061 Rufe Snow Drive with the conditions that the hours of operation for fuel pumps shall mirror the hours the kiosk is staffed, the requirement that the fuel pumps are located a minimum of 460 feet from the nearest residential property line, and that a physical barrier is in place to limit access from 10PM to 6AM.

The motion failed by the following vote:

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

NAY: 3 - Council Member Jessica Juarez, Council Member Tag Green, and Council Member Chris Whatley.

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, to table the request for a Specific Use Permit (SUP) for fuel pumps/sales as an accessory use to a grocery store at 2061 Rufe Snow Drive to the May 16, 2023 Regular City Council Meeting. The motion carried unanimously.

10. [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 Article Eight - Zoning Districts, relating to Car Wash regulations; providing penalties; authorizing publication; and establishing an effective date. \(UDC-23-0003\)](#)

Council Member Jessica Juarez left the meeting at 11:00 P.M.

Assistant Community Development Director Sarah Hensley gave a presentation relating to amendments to the City of Keller Unified Development Code (UDC), relating to Car Wash regulations.

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

A motion was made by Council Member Tag Green, seconded by Mayor Armin Mizani, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Tag Green, to approve Ordinance No. 2118 approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight - Zoning Districts, relating to Car

Wash regulations; providing penalties; authorizing publication; and establishing an effective date. The motion carried unanimously.

I. EXECUTIVE SESSION - None

Executive Session was not held during the Regular Meeting.

J. ADJOURN

A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to adjourn the Council Meeting at 11:54 P.M. The motion carried unanimously.

Mayor

City Secretary

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