



City of Keller
City Council
Meeting Minutes

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

Tuesday, September 21, 2021

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 5:00 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 Chris Whatley
Council Member Ross McMullin

Council Member Beckie Paquin was absent.

The following City Staff members were present: City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Administrative Services Aaron Rector, Director of Community Service Cody Maberry, Director of Community Development Julie Smith, Director of Public Works Alonzo Liñán, Economic Development Director Mary Culver, Director of Information Services Sean Vreeland, Administrative Services Manager Sarah Hensley, Police Captain Chad Allen, and Interim Fire Chief Richard Whitten.

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 5:11 P.M. so that the City Council could meet in Executive Session in accordance with State Law.

1. Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.

a. Old Town Keller Phase II - Elm Street Improvements Project

2. Adjourn into Open Meeting.

Mayor Armin Mizani reconvened the Pre-Council Meeting at 5:49 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION**1. [Old Town Keller Phase II - Bates Street Public Art Benches](#)**

Administrative Services Manager Sarah Hensley gave a presentation relating to public art benches for the planned 12 pedestrian benches on Bates Street. Mrs. Hensley informed the City Council that after reviewing several options, staff is proposing the city issue a call for art to have an artist design, fabricate and install the benches. Mrs. Hensley also shared that the Public Arts Board discussed the project at their Sept. 8, 2021 meeting and recommended moving forward with the call for art. The estimated the cost per bench should be set between \$6,000 and \$8,000 per bench, and the funding is available for all 12 benches in the Public Art Development Fee Fund. Discussion was held by the City Council.

The City Council directed staff to move forward with the call for art to have an artist design, fabricate and install the 12 pedestrian benches for Bates Street.

2. [Capital Improvements Projects Update](#)

Director of Public Works Alonzo Liñán was available to answer any question from the City Council relating to Capital Improvements Projects. Mr. Liñán gave updates on the Shady Grove project, the Clover Lane project, Bear Creek pond dredging, water system repairs, the traffic signal system review, and overdue and delayed projects.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:20 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 7:02 P.M.

B. INVOCATION

Dr. Kim Vastine, Ambassador Alliance Ministries - Keller, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Cub Scout Pack 175 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

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

1. [Consider approval of the Minutes of the Thursday, August 5, 2021 Special City Council Meeting.](#)

Approved.

2. [Consider approval of the Minutes of the Tuesday, August 24, 2021 Joint City Council and Planning and Zoning Commission Meeting.](#)

Approved.

3. [Consider approval of the Minutes of the Thursday, August 26, 2021 City Council Budget Work Session.](#)

Approved.

4. [Consider approval of the Minutes of the Tuesday, September 7, 2021 Regular City Council Meeting.](#)

Approved.

5. [Consider a resolution approving a Local On-System Agreement with the Texas Department of Transportation for improvements to U.S. Highway 377 at Bates Street and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4411 approves a Local On-System Agreement between the Texas Department of Transportation and the City of Keller, for the improvements to U.S. Highway 377 at Bates Street.

6. [Consider a resolution adopting the 2021 City of Keller Financial Management, Investment, Purchasing, and Fund Balance Policies as approved and recommended by the City of Keller Finance Committee.](#)

Resolution No. 4412 approves adopting the City of Keller Financial Management,

Investment, Purchasing, and Fund Balance Policies as approved and recommended by the City of Keller Finance Committee, which shall be incorporated herein for all purposes.

7. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending March 31, 2021, and providing an effective date.](#)

Resolution No. 4413 receives the Keller Quarterly Financial Report for period ending March 31, 2021.

8. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending March 31, 2021, and providing an effective date.](#)

Resolution No. 4414 receives the Keller Quarterly Investment Report for period ending March 31, 2021.

9. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending June 30, 2021, and providing an effective date.](#)

Resolution No. 4415 receives the Keller Quarterly Financial Report for period ending June 30, 2021.

10. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending June 30, 2021, and providing an effective date.](#)

Resolution No. 4416 receives the Keller Quarterly Investment Report for period ending June 30, 2021.

G. OLD BUSINESS

None.

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a zoning change application from Retail \(R\) to Planned Development SF-8.4 \(PD-SF-8.4\) for Beverly Grove subdivision consisting of 33 residential lots and four \(4\) open space lots on approximately 11.38-acres, being legally described as Tract 3E, Abstract 457 out of the John Edmonds Survey, located at the intersections of Rapp Road, Shady Grove Road, and Rufe Snow Drive, and addressed as 1301 Rufe Snow Drive. Sunrise Partners, LLC., Applicant/Developer; Bursey Commercial, Owner; Peloton Land Solutions, Engineering Firm. \(Z-21-0009\)](#)

Community Development Director Julie Smith gave a presentation relating to the request for a zoning change from Retail (R) to Planned Development SF-8.4 (PD-SF-8.4) for Beverly Grove, subdivision consisting of 33 residential lots and four (4) open space lots on approximately 11.38-acres, addressed as 1301 Rufe Snow Drive.

Applicants Mr. Travis Clegg, Peloton Land Solutions, and Mr. Austin Riley, Sunrise Partners, gave a presentation relating to the proposal.

Mayor Armin Mizani opened the public hearing.

The following individuals gave a presentation and spoke in opposition to the proposed

zoning change: Ms. Heather Zisler, 1314 Austin Thomas Drive; Ms. Cynthia McMurry, 1334 Austin Thomas Drive; Mr. Martin Holland, 1001 Atlee Drive; and Mr. Kyle Talbot, 1302 Austin Thomas Drive.

The following individuals expressed their opposition to the proposal: Mr. Todd Mury, 1310 Austin Thomas Drive; Mr. Michael Boyer, 1332 Britney Court; Mr. Taylor Gunderman, 1318 Asher Drive; and Mr. Barry Johnson, 1004 Atlee Drive.

Mr. Michael Garabedian, 1717 Buckingham, spoke in support of the proposal .

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Chris Whatley, to close the Public Hearing. The motion carried unanimously.

Discussion was held relating to the requirements of triggering Super Majority and the calculation.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, to table the zoning change request for the Beverly Grove subdivision at 1301 Rufe Snow Drive to the October 5, 2021 Regular City Council Meeting. The motion failed by the following vote:

AYE: 2 - Council Member Shannon Dubberly, and Council Member Chris Whatley.

NAY: 4 - Mayor Armin Mizani, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Ross McMullin.

A motion was made by Mayor Armin Mizani, seconded by Council Member Ross McMullin, to table the zoning change request for the Beverly Grove subdivision at 1301 Rufe Snow Drive to the October 19, 2021 Regular City Council Meeting. The motion carried unanimously.

- [PUBLIC HEARING: Consider a resolution approving a Future Land Use Plan \(FLUP\) Amendment to change the Highland Terrace Mobile Home Park subdivision from Low Density-Single Family \(LD-SF\) to High-Density Single-Family \(HD-SF\) located on approximately 14.90-acres, legally described as Lot 1-Lot 68 in the Highland Terrace subdivision, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West; 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane; 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East; and 1200, 1228, and 1238 Knox Road. City of Keller, Applicant. \(LUP-21-0006\).](#)

Senior Planner Trish Sinel gave a presentation relating to the request for a Future Land Use Plan (FLUP) Amendment to change the Highland Terrace Mobile Home Park subdivision from Low Density-Single Family (LD-SF) to High-Density Single-Family (HD-SF).

Mayor Armin Mizani opened the public hearing.

The following individuals spoke in support of the proposed zoning change: Mr. Michael Garibedian, 1717 Buckingham; Mr. Jeff Avery, 1306 Worthington, Grapevine; and Mr. Ross Brensinger, 1285 Mount Gilead Road.

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 Sheri Almond, to approve the request for a Future Land Use Plan (FLUP) Amendment to change the Highland Terrace Mobile Home Park subdivision from Low Density-Single Family (LD-SF) to High-Density Single-Family (HD-SF) as presented.

Council Member Ross McMullin then made a motion to amend, and then withdrew his motion to amend. Council Member McMullin stated that the City Council Procedures and Decorum Policy needs to be cleaned up in regards to the specifics on amending motions.

The original motion to approve as presented failed by the following vote:

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

NAY: 4 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Chris Whatley, and Council Member Ross McMullin.

A motion was made by Council Member Ross McMullin, seconded by Mayor Armin Mizani, to approve Resolution No. 4416 approving a Future Land Use Plan (FLUP) Amendment to change the Highland Terrace Mobile Home Park subdivision from Low Density-Single Family (LD-SF) to Medium-Density Single-Family (MD-SF) located on approximately 14.90-acres, legally described as Lot 1-Lot 68 in the Highland Terrace subdivision, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West; 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane; 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East; and 1200, 1228, and 1238 Knox Road. The motion carried by the following vote:

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

NAY: 2 - Council Member Sheri Almond, and Council Member Chris Whatley.

- [PUBLIC HEARING: Consider an ordinance approving a Zoning Change from](#)

Single-Family 36,000 square-foot lots or greater (SF-36) to Single-Family 10,000 square-foot lots or greater (SF-10) located on approximately 14.90-acres, legally described as Lot 1-Lot 68 in the Highland Terrace Mobile Home Park Subdivision, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West; 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane; 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East; and 1200, 1228, and 1238 Knox Road. City of Keller, Applicant. (Z-21-0010).

Community Development Director Julie Smith gave a presentation relating to the request for a Zoning Change from Single-Family 36,000 square-foot lots or greater (SF-36) to Single-Family 10,000 square-foot lots or greater (SF-10).

Mayor Armin Mizani opened the public hearing.

The following individual spoke in support of the proposed zoning change: Mr. Michael Garibedian, 1717 Buckingham.

A motion was made by Council Member Sheri Almond, 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 a Zoning Change from Single-Family 36,000 square-foot lots or greater (SF-36) to Single-Family 10,000 square-foot lots or greater (SF-10) located on approximately 14.90-acres. The motion failed by the following vote:

AYE: 2 - Council Member Ross McMullin, and Mayor Pro Tem Sean Hicks.

NAY: 3 - Mayor Armin Mizani, Council Member Sheri Almond, and Council Member Chris Whatley.

ABSTAIN: 1 - Council Member Shannon Dubberly.

4. Consider a resolution awarding a contract for construction of the Bear Creek Parkway Intersection Improvements Project to GRod Construction, LLC and authorizing the City Manager to execute all related documents on behalf of the City of Keller, Texas.

Public Works Director Alonzo Liñán gave a presentation relating to a request for a contract for construction of the Bear Creek Parkway Intersection Improvements Project to GRod Construction, LLC.

A motion was made by Council Member Sheri Almond, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4417 awarding a contract for construction of the Bear Creek Parkway Intersection Improvements Project to GRod Construction, LLC and authorizing the City Manager to execute all related documents on behalf of the City of Keller, Texas. The motion carried by the

following vote:

AYE: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Chris Whatley.

NAY: 1 - Council Member Ross McMullin.

5. [Consider a resolution approving an Agreement for Professional Services with Kimley-Horn of Fort Worth, Texas; for the purpose of providing construction phase services, relating to the Bear Creek Parkway and Whitley Road Roundabout 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.](#)

Public Works Director Alonzo Liñán gave a presentation relating to a request for an Agreement for Professional Services with Kimley-Horn of Fort Worth, Texas; for the purpose of providing construction phase services, relating to the Bear Creek Parkway and Whitley Road Roundabout project.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to approve Resolution No. 4418 approving an Agreement for Professional Services with Kimley-Horn of Fort Worth, Texas; for the purpose of providing construction phase services, relating to the Bear Creek Parkway and Whitley Road Roundabout 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. The motion carried by the following vote:

AYE: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, and Council Member Chris Whatley.

NAY: 1 - Council Member Ross McMullin.

6. [PUBLIC HEARING: Consider an ordinance approving certain amendments to the Fiscal Year 2020-21 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter.](#)

Director of Administrative Services Aaron Rector gave a presentation relating to amendments to the Fiscal Year 2020-21 Annual Operating Budget for the City of Keller.

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 Council Member Shannon Dubberly, seconded by Mayor Pro Tem Sean Hicks, to approve Ordinance No. 2035 approving certain amendments to the Fiscal Year 2020-21 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter. The motion carried unanimously.

7. [PUBLIC HEARING: Consider an ordinance adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2021 and ending September 30,](#)

[2022, including the 2021-22 Capital Improvements Program, and adopting the Fiscal Year 2021-22 Fee Schedule for the City of Keller, Texas.](#)

Director of Administrative Services Aaron Rector gave a presentation relating to adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022.

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 Chris Whatley, to close the Public Hearing. The motion carried unanimously.

A motion was made by Council Member Sheri Almond, seconded by Mayor Pro Tem Sean Hicks, to approve Ordinance No. 2036 adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022, including the 2021-22 Capital Improvements Program, and adopting the Fiscal Year 2021-22 Fee Schedule for the City of Keller, Texas. The motion carried unanimously.

8. [Consider a resolution ratifying the tax revenue for the Tax Year 2021 \(Fiscal Year 2021-22\) for the City of Keller, Texas.](#)

Director of Administrative Services Aaron Rector gave a presentation relating to ratifying the tax revenue for the Tax Year 2021 (Fiscal Year 2021-22).

A motion was made by Council Member Ross McMullin, seconded by Mayor Pro Tem Sean Hicks, to approve Resolution No. 4419 ratifying the tax revenue for the Tax Year 2021 (Fiscal Year 2021-22) for the City of Keller, Texas, with the following statement: "The proposed rate is lower than both the no new revenue rate and the voter approved rate, therefore a public hearing on the adoption of the tax rate is not required."

The motion carried unanimously.

9. [Consider an ordinance levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2021 \(Fiscal Year 2021-22\).](#)

Director of Administrative Services Aaron Rector gave a presentation relating to levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2021.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Chris Whatley, to approve Ordinance No. 2037 levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2021 (Fiscal Year 2021-22). The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

1. Section 551.072, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.
 - a. Old Town Keller Phase II - Elm Street Improvements Project
2. Adjourn into Open Meeting.
3. Action on Executive Session Item 1 if necessary.

J. ADJOURN

A motion was made by Council Member Sheri Almond, seconded by Council Member Chris Whatley, to adjourn the Regular City Council Meeting at 10:46 P.M. The motion carried unanimously.

Mayor

City Secretary

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