



# City of Keller

## City Council

### Meeting Minutes

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
[www.cityofkeller.com](http://www.cityofkeller.com)

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**Tuesday, October 19, 2021**

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#### **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 5:32 P.M.

The following City Council Members were present:

Mayor Armin Mizani

Council Member Shannon Dubberly

Mayor Pro Tem Sean Hicks (arrived at 7:00 P.M.)

Council Member Sheri Almond

Council Member Beckie Paquin

Council Member Chris Whatley (arrived at 7:00 P.M. by video conference)

Council Member Ross McMullin

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 Services Cody Maberry, Director of Information Services Sean Vreeland, Director of Community Development Julie Smith, Director of Economic Development Mary Culver, City Engineer Chad Bartee, 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 - None**

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

1. [An update presentation of the 2021 Tarrant County Bond Program project recommendations, Keller impacts and anticipated timelines.](#)

**Attachments:** [Work Session - 2021 Tarrant County Transportation Bond - Update](#)

City Engineer Chad Bartee gave a presentation relating to the 2021 Tarrant County Bond Program, and highlighted the following details of the Program: \$200M in county funds for projects, Designed to leverage local funding resources, 50% local match is required, \$125M County-wide and Partnership Initiatives, \$75M Discretionary Allotment for each Commissioner. This Tarrant County Bond is currently on the ballot for the November 2, 2021 Election.

Mr. Bartee explained that of the four submitted projects and two submitted partner projects, the Elm Street from Keller Parkway to Bear Creek Pkwy project was recommended for inclusion in the upcoming 2021 Tarrant County Bond Program. If the election for the Tarrant County Bond is successful, the City is committed to designing and constructing the project by November 2026. This Elm Street project is programmed into the current Capital Improvement Projects list to begin in Fiscal Year 2022. It was also explained that the discretionary allotments & Commissioner Court projects have not yet been determined.

2. [Discuss a possible amendment to the Unified Development Code relating to Food Trucks and Mobile Vending Units.](#)

**Attachments:** [Work Session-Food Trucks 10192021](#)

Director of Community Development Julie Smith and Senior Planner Trish Sinel addressed the following questions with the City Council: should food trucks be allowed, where should food trucks be allowed, how long should a food truck be permitted to stay in one location, can other goods be sold as well, when can food trucks operate, how are these uses reviewed and permitted, and If reviewed and permitted, what fee should be charged.

Mayor Armin Mizani expressed interest and his support of having a Specific Use Permit or Planned Development requirements for Food truck Courts.

Council Member Ross McMullin stated that he would like feedback from food truck operators and the Keller Economic Development Board. He wants to incentivise food trucks to come to Keller.

The City Council, as a whole, is receptive to food trucks and food truck courts with minimal restrictions, as long as health and safety are not jeopardized.

3. [Capital Improvements Projects Update](#)

**Attachments:** [CC Update at 10-01-21](#)

[Community Development Projects Update at 10-01-21](#)

City Engineer Chad Bartee addressed the City Council regarding current projects.

## **E. ADJOURN**

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:32 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 7:02 P.M.

### **B. INVOCATION**

Council Member Ross McMullin 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. [Presentation by Commissioner Fickes regarding the importance of the Transportation Bond Program.](#)

The presentation did not take place.

### **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.

Mr. Rich DeOtte, 112 Keystone Drive, Southlake Texas, expressed thoughts regarding his service on and his desire to be reappointed to the Tarrant Appraisal District Board of Directors.

The following individuals spoke in opposition to the zoning change for the Beverly Grove subdivision: Mr. Bill McCrea, 701 Muirfield Road; Ms. Mindy Cheek, 106 Austin Thomas Drive; Mr. Todd Mury, 1310 Austin Thomas Drive; Ms. Cynthia McMurry, 1334 Austin Thomas Drive; Mr. Jeremy Gunderman, 1318 Asher Drive; Mr. Kyle Talbott, 1302 Austin Thomas Drive; Mr. Brett Lawrence, 1332 Austin Thomas Drive; Ms. Heather Zisler, 1314 Austin Thomas Drive; Mr. Martin Holland, 1001 Atlee Drive; Mr. Mike Boyer, 1332 Britney Court; Ms. Joyce Hill, 1305 Britney Court; and Mr. 1105 Wishing Tree Lane.

Mr. Keith Bleeker, 708 Muirfield Road, did not wish to speak, but asked for his opposition to be recorded.

### **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 Beckie Paquin, to approve the Consent Agenda. The motion carried unanimously.**

1. [Consider approval of the Minutes of the Tuesday, September 21, 2021 Regular City Council Meeting.](#)

**Attachments:** [092121 Minutes.pdf](#)

Approved.

2. [Consider approval of the Minutes of the Tuesday, October 5, 2021 Regular City Council Meeting.](#)

**Attachments:** [100521 Minutes.pdf](#)

Approved.

3. [Consider a resolution approving a contract with Core and Main LP for Neptune water meters and accessory components, for the Utility Billing Department, for a one-year period, with the option to extend unit prices for four \(4\) additional one-year renewals, not to exceed a period of five \(5\) years; declaring that in accordance with the Texas Local Government Code Chapter 252.022. General Exemptions. \(a\) \(7\), Core and Main LP., qualifies as a sole-source provider /distributor for water meters and accessory components; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [101921 Core and Main Meter Resolution](#)

Resolution No. 4425 approves a contract with Core and Main, LP for Neptune water meters and accessory components, for the Utility Billing Department, for a one-year period, with the option to extend unit prices for four (4) additional one-year renewals, not to exceed a period of five (5) years; declaring that in accordance with the Texas Local Government Code, Chapter 252.022. General Exemptions. (a) (7), HD Supply Waterworks, Ltd., of Richland Hills, Texas qualifies as a sole-source provider/ distributor for water meters and accessory components; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

4. [Consider a resolution approving a professional services agreement with HR Green, Inc. of Plano, Texas; to provide professional engineering services related to the Public Works operations in the amount of \\$125,000 and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [101921 Engineering Services Resolution](#)

[101921 Engineering Services Exhibit A](#)

Resolution No. 4426 approves an Agreement with HR Green, Inc., of Plano, Texas to provide professional engineering services, relating to the operational needs of the Public Works Department, in the amount of \$125,000.00, in accordance with the terms and conditions set forth in Exhibit A, attached hereto, for Engineering Services; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

5. [Consider a resolution approving a three-year extension of the City's current Enterprise License Agreement with Environmental Systems Research Institute, Inc. \(ESRI\), for software licenses, maintenance, and associated upgrades, for the Information Technology](#)

Department.

**Attachments:** [101921 ESRI Contract Resolution.docx](#)  
[101921 ESRI Contract Exhibit A](#)  
[101921 ESRI Contract Sole Source Letter.pdf](#)

Resolution No. 4427 approves a three-year Enterprise License Agreement with Environmental Systems Research Institute Inc., for software licenses, maintenance, and associated upgrades, for the Information Technology Department, attached hereto as Exhibit "A", in an amount not to exceed \$116,250.00; and further authorizes the City Manager to execute all purchasing and contract documents relating thereto on behalf of the City of Keller, Texas.

6. [Consider a resolution approving a three-year extension of the City's current Laserfiche priority support services agreement with DocuNav Solutions of Frisco, TX, through the State of Texas Department of Information Resources \(DIR\) Cooperative Purchasing Program, for software licenses, maintenance, and associated upgrades, for the Information Technology Department.](#)

**Attachments:** [101921 Docunav Contract Resolution.docx](#)  
[101921 Docunav Contract Exhibit A](#)  
[101921 Docunav Contract Quote](#)

Resolution No. 4428 approves a three-year Laserfiche Priority Support Services Agreement with DocuNav Solutions, for software licenses, maintenance, and associated upgrades, attached hereto as Exhibit "A", in an amount not to exceed \$166,966.92; and further authorizes the City Manager to execute all purchasing and contract documents relating thereto on behalf of the City of Keller, Texas.

7. [Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with the Cities of Roanoke, Southlake, Watauga, and the Towns of Argyle, Bartonville, and Northlake, Texas, for the purpose of creating CRASH Reconstruction Team.](#)

**Attachments:** [101921 CRASH Resolution](#)  
[101921 Interlocal Agreement Exhibit A - Crash Reconstruction Team](#)

Resolution No. 4429 approves an Interlocal Agreement with the Cities of Roanoke, Southlake, Watauga, and the Towns of Argyle, Bartonville, and Northlake, Texas, for the purpose of jointly operating and funding a CRASH Reconstruction Team; and further authorizes the City Manager to execute said agreement on behalf of the City of Keller, Texas.

8. [Consider a resolution approving the bid from SRH Landscapes, LLC., of Dallas, Texas for contractual services relating to Keller Town Center Annual Landscape Maintenance Services, for the Parks and Recreation Department, for a three-year term; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [101921 Town Center Annual Landscape Maintenance Resolution](#)  
[101921 Town Center Maintenance Bid Tab](#)

Resolution No. 4430 approves the bid from SRH Landscapes, LLC., of Dallas, Texas, for contractual services relating to Keller Town Center Landscape Maintenance Services, for the Parks and Recreation Department, in an amount not to exceed \$273,760.00 per year and \$821,280.00 for the three-year term; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

9. [Consider a resolution ratifying staff action and approving a payment to Wildstone Construction, LLC of Fort Worth, Texas for the emergency repair of the 30" water transmission line jointly owned by the cities of Keller Southlake as required on August 23, 2021; and authorizing the City Manager to execute all purchasing documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [101921 Wildstone Payment Resolution](#)  
[101921 Wildstone Payment Staff Attachment](#)  
[101921 Wildstone Payment Staff Attachment 2](#)

Resolution No. 4431 approves payment of Keller's cost share for the emergency action of repairing the Keller/Southlake jointly owned water transmission line in the amount of \$102,855.98 to Wildstone Construction, LLC of Fort Worth, Texas.

10. [Consider a resolution approving an Agreement for Engineering Services with Dunaway & Associates of Fort Worth, Texas, to provide engineering services relating to the design of the Pate Orr sidewalk improvements 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](#)

**Attachments:** [101921 Pate Orr Sidewalk Design Resolution](#)  
[101921 Pate Orr Sidewalk Design Staff Attachment](#)

Resolution No. 4432 approves an Agreement with Dunaway Associates, of Fort Worth, Texas to provide engineering services, relating to the design of the Pate Orr Sidewalk Improvements Project, in the amount of \$77,150.00, 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.

## **G. OLD BUSINESS**

1. [Consider an ordinance amending the City of Keller Code of Ordinances Chapter 10, Miscellaneous Provisions by adding Article IX - Sex Offender Residency Restrictions; prohibiting certain registered sex offenders from residing within a certain distance of where children commonly gather; dispensing with a culpable mental state; providing a repealing clause; providing a penalty; providing a severability clause; and establishing an effective date.](#)

**Attachments:** [101921 Child Sex Offender Residency Ordinance](#)

A motion was made by Council Member Sheri Almond, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2038 amending the City of Keller Code of Ordinances Chapter 10, Miscellaneous Provisions by adding Article IX - Sex Offender Residency Restrictions; prohibiting certain registered

sex offenders from residing within a certain distance of where children commonly gather; dispensing with a culpable mental state; providing a repealing clause; providing a penalty; providing a severability clause; and establishing an effective date. The motion carried unanimously.

2. [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. \(Z-21-0009\)](#)

**Attachments:** [101921 Beverly Grove PD Ordinance](#)  
[101921 Beverly Grove PD Aerial and Zoning Maps.pdf](#)  
[101921 Beverly Grove PD Future Land Use Plan Map.pdf](#)  
[101921 Beverly Grove PD Exhibit A](#)  
[101921 Beverly Grove PD Staff Attachment A - HOA meeting minutes.pdf](#)  
[101921 Beverly Grove PD Staff Attachment B - Opposition Letters.pdf](#)  
[Presentation Beverly Grove PD](#)

Mayor Armin Mizani recessed the Council Meeting at 7:52 P.M., and reconvened the meeting at 8:02 P.M.

Community Development Director Julie Smith gave a presentation relating to the request for a zoning change for the Beverly Grove subdivision.

The applicant, Mr. Travis Clegg, 4020 Volk Court, Fort Worth, TX 76244, gave a presentation relating to the proposal.

The developer, Mr. Austin Reilly, 5429 Huntly Drive, Fort Worth, TX 76109, addressed the City Council regarding the proposal.

Discussion was held by the City Council.

Mayor Pro Tem Sean Hicks made a motion to approve the proposal as presented. The motion failed due to lack of a second.

Mayor Pro Tem Sean Hicks made a motion to approve the proposal with conditions:

1. Change the NE entrance on Rapp Road to an emergency only access and the decrease that street from 30' to 24'.
2. Change the 8' cedar wall to a 6' masonry wall along the eastern property line.
3. Remove the sidewalk that runs along the eastern edge of the property.
4. Remove the sidewalk that runs along the east side of Block 9.
5. Trees that are planted on the eastern property line shall be evergreens.

Mayor Armin Mizani suggested to include 100% J-swing garages in motion. Mayor Pro Tem Sean Hicks declined the request.

Mayor Armin Mizani recessed the Council Meeting at 9:44 P.M., and reconvened the meeting at 9:50 P.M.

Mayor Pro Tem Sean Hicks withdrew the motion.

A motion was made by Mayor Armin Mizani, seconded by Council Member Beckie Paquin, to approve Ordinance No. 2038 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 as presented with the following conditions:

1. Change the northeast access point onto Rapp Road into an emergency only access and at a width of 24'.
2. Remove the 8' cedar wall and replace with live screening along the eastern property line.
3. Remove sidewalk east of the emergency entrance and the road parallel to the eastern property line from Rapp Road south to Lot 11. Maintain trail connection from the southeast corner of the internal residential road to Shady Grove via the green buffer area between Lot 11 and the eastern property line.
4. Remove the sidewalk that runs along the east side of Lot 9.
5. J-swing garages to be utilized throughout the entire development.

The motion carried unanimously.

## H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for the 800 square-foot expansion of an existing 1200 square-foot accessory structure on property legally described as Lot 1A, Block 1, of the William Slaughter Addition, being 9.83-acres located approximately 200 feet southeast of the intersection of Rufe Snow Drive and Cobblestone Parks Drive, zoned Single-Family Residential - 36,000 Square-Foot Lots \(SF-36\), addressed as 833 Rufe Snow Drive. Jeffrey and Loren Abate, Applicants/Owners. \(SUP-21-0028\)](#)



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**Attachments:** [101921\\_833 Rufe Snow SUP\\_ProposedOrdinance.docx](#)  
[101921\\_833 Rufe Snow SUP\\_Maps.pdf](#)  
[101921\\_833 Rufe Snow SUP\\_Application](#)  
[101921\\_833 Rufe Snow SUP\\_Sketch of current barn and proposed expansion](#)  
[101921\\_833 Rufe Snow SUP\\_Proposed Barn Expansion Elevations](#)  
[101921\\_833 Rufe Snow SUP\\_Opposition Letters](#)  
[101921\\_833 Rufe Snow SUP\\_Letters of Support](#)  
[101921\\_833 Rufe Snow SUP\\_Opposition Map](#)  
[H-1 833 Rufe Snow Dr Presentation](#)

Senior Planner Trish Sinel gave a presentation relating to a request for a Specific Use Permit (SUP) for the 800 square-foot expansion of an existing 1200 square-foot accessory structure at 833 Rufe Snow Drive.

Mr. Jeffrey and Mrs. Loren Abate, property owners/applicants, addressed the City Council regarding the proposal.

Mayor Armin Mizani opened the public hearing.

The following individual expressed their support of the Specific Use Permit request: Ms. Stacy Hall, 721 Keystone Way.

The following individuals expressed their opposition of the Specific Use Permit request: Ms Susan Gwynn, 1017 Simmons; and Ms. Diane Graff, 740 Richmond Lane.

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

**A motion was made by Mayor Armin Mizani, seconded by Council Member Sheri Almond, to approve the request for a Specific Use Permit (SUP) for the 800 square-foot expansion of an existing 1200 square-foot accessory structure at 833 Rufe Snow Drive. The motion failed by the following vote:**

**AYE: 3 - Council Member Sheri Almond, Mayor Armin Mizani, and Mayor Pro Tem Sean Hicks.**

**NAY: 4 - Council Member Shannon Dubberly, Council Member Beckie Paquin, Council Member Chris Whatley, and Council Member Ross McMullin.**

**A motion was made by Council Member Ross McMullin, seconded by Council Member Shannon Dubberly, to table this agenda item to October 18, 2022. The motioned carried by the following vote:**

**AYE: 6 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Chris**

**Whatley, and Council Member Ross McMullin.**

**ABSTAIN: 1 - Mayor Pro Tem Sean Hicks.**

2. [Consider a resolution approving three variances to Section 8.03 of the Unified Development Code for a Final Plat for Lot 1, Block A, Mitchell Estates, being 0.56-acres located on the west side of Randol Mill Avenue, zoned Single Family 36,000 Square-Foot lots \(SF-36\) and currently addressed as 1420 Randol Mill Avenue. Distinguished Custom Homes, Applicant; Edward and Shearon Mitchell, Owners. \(P-21-0028\)](#)

**Attachments:** [1420 Randol Mill Variance Proposed Resolution](#)  
[101921 1420 Randol Mill Variance Maps](#)  
[101921 1420 Randol Mill Variance Plat Application](#)  
[101921 1420 Randol Mill Variance Staff AttachmentA- Plat.pdf](#)  
[101921 1420 Randol Mill Variance Staff AttachmentB - Plans.pdf](#)  
[H-2 1420 Randol Mill Presentation](#)

Senior Planner Trish Sinel gave a presentation relating to a request for a Final Plat for Lot 1, Block A, Mitchell Estates, with variances.

**A motion was made by Council Member Sheri Almond, seconded by Council Member Beckie Paquin, to approve Resolution No. 4433 approving a Final Plat for Lot 1, Block A, Mitchell Estates, being 0.56-acres located on the west side of Randol Mill Avenue, zoned Single Family 36,000 Square-Foot lots (SF-36) and currently addressed as 1420 Randol Mill Avenue with the following variances to Section 8.03 of the Unified Development Code:**

1. **A variance to Section 8.03 for the lot depth requirements for a 119.2' lot depth average requirement in lieu of the required 200' requirement shall be allowed.**
2. **A variance to Section 8.03 for the area requirements for a 24,393 square-foot lot in lieu of the required 36,000 square-foot lot minimum shall be allowed.**
3. **A variance to Section 8.03 for a 25' front setback in lieu of a 60' setback required on thoroughfares shall be allowed.**

**The motion carried unanimously.**

3. [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 Section 8.10 - Accessory Building and Use Regulations to modify the approving authority for accessory structure height; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-21-0007\)](#)

**Attachments:** [101921 Proposed Ordinance.docx](#)  
[101921 Exhibit A Proposed language change.docx](#)  
[H-3 UDC Text Presentation](#)

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

Senior Planner Trish Sinel gave a presentation relating to an amendment to the City of Keller Unified Development Code (UDC), by amending Section 8.10 - Accessory Building and Use Regulations to modify the approving authority for accessory structure height.

**A motion was made by Council Member Sheri Almond, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2040 approving an amendment to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Section 8.10 - Accessory Building and Use Regulations to modify the approving authority for accessory structure height; authorizing publication; provide for penalties; and establishing an effective date. The motion carried unanimously.**

**I. EXECUTIVE SESSION - None**

**J. ADJOURN**

**A motion was made by Council Member Shannon Dubberly, seconded by Council Member Ross McMullin, to adjourn at 11:00 P.M. The motion carried unanimously.**

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Mayor

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City Secretary