



City of Keller
City Council
Meeting Minutes

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

Tuesday, May 3, 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 5:00 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Mayor Pro Tem Sean Hicks (arrived at 5:02 P.M.)
Council Member Sheri Almond
Council Member Beckie Paquin
Council Member Chris Whatley
Council Member Ross McMullin (arrived at 5:02 P.M.)

The following City staff members were present: City Manager Mark Hafner, Assistant City Secretary Andrea McDonald, City Attorney Stan Lowry, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, City Engineer Chad Barte, Director of Human Resources Marcia Reyna, Director of Community Development Julie Smith, Assistant Director of Community Development Sarah Hensley, Director of Economic Development Mary Culver, Economic Development Specialist Siale Langi, Communication and Public Engagement Manager Rachel Reynolds, Digital Communications Specialist Charles Swanigon, Police Chief Bradley G. Fortune, Police Captain Jared Lemoine, 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

Executive Session was not held during the Pre-Council Meeting.

D. WORK SESSION

1. [Budget Strategic Planning - Budget Priorities](#)

Administrative Services Director Aaron Rector gave a presentation in relation to Fiscal Year 2022-2023 Budget Priorities. He reviewed the FY 2021-22 Adopted Budget, Council's Strategic Goals, FY 2022-23 Revenue Guiding Principles, FY 2022-23

Expenditure Guiding Principles, Council Strategic Goals in FY 2022-23, and the Budget Calendars for Preparation, Strategic Planning and Adoption.

2. [Update on Capital Improvement Projects to include Shady Grove Road, Pate Orr South, and Nightingale Circle.](#)

City Engineer Chad Bartee presented an update on Public Works Capital Improvement Projects. He reviewed feedback received from a recently held public input meeting regarding Shady Grove Road. Mrs. Sam Fries P.E., with Kimley-Horn, addressed questions regarding next steps. City Council directed staff to stop design at 30% and reallocate to resurfacing; and to research upgrades to trails and sidewalks though safe routes to school grants. Mr. Bartee reviewed feedback that had been received regarding Nightingale Circle with associated costs. City Council directed staff to place flashing warning signs right away and to move forward with finishing the design. Mr. Bartee explained that a public meeting had also been held regarding the Pate Orr South sidewalk project. City Council directed staff to move forward with the design to include underground drainage.

3. [Discuss the Sex Offender Ordinance.](#)

Attachments: [Ordinance No. 2038](#)

Mayor Armin Mizani addressed Council regarding the current appeal process of the sex offender ordinance. He noted that currently, appeals are to come before the City Council to decide the outcome. City Attorney Stan Lowry stated that practices vary amongst cities between the city manager and police chief being the deciding body. City Council directed staff to amend the current ordinance to appoint the chief of police as arbitrator to the appeal with the city manager to communicate to Council of any appeals coming forth.

4. [Discuss the possibility of a City mobile application.](#)

Council Member Shannon Dubberly addressed Council regarding the possibility of a City of Keller mobile application where citizens can pay utility bills, receive safety announcements, see job postings, pay tickets, rent facilities, pay fees, report sidewalk issues, report crimes, etc. Communication & Public Engagement Manager Rachel Reynolds reviewed current practices, uses and internal testing underway. City Council directed Council Member Shannon Dubberly, Mrs. Reynolds, and the City's I.T. Department to research a mobile application possibility and come back to Council at a later date.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:58 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayor Mizani called the Regular Meeting to order at 7:05 P.M.

B. INVOCATION

Pastor Dennis Serratt, First Baptist Watauga, led the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Armin Mizani led the pledges to the United States Flag and 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

1. [Recognition of 2022 Rhythmic Gymnastics State Champions](#)

Mayor Armin Mizani presented certificates of recognition to Sophie Nowokolski, Amina George, Haejin Park, Carly Stovall, Liza Kochubey, Mai Bai, Amara Huynh, Temma Terebotiv, Melanie Bai, and Mia Donato, all of ANS Rhythmic Gymnastics Studio in Keller, for their recent achievements in the state and regional championships. Owner and Head Coach Ashley Simpson spoke regarding the gymnasts' hard work and dedication and thanked the Mayor and Council for the opportunity to be recognized.

2. [NEFDA Presentation](#)

Interim Fire Chief Richard Whitten gave a presentation regarding the Northeast Fire Department Association (NEFDA) and reviewed the NEFDA member cities, facts and services provided.

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. Ken Pearson, 1310 Oakhill Rd., addressed Council regarding his concerns of Oakhill Road and Hallelujah Trail becoming through streets and added that a petition opposing the topic had been presented to the City Secretary.

Ms. S. Brook Bullen, 696 Pryor Ct. N., expressed her concerns with staffing levels in the City's Environmental Services Department, environmental neurotoxins, radiation, and food shortages.

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 Ross McMullin, seconded by Council Member Shannon Dubberly, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, April 19, 2022 Regular City Council Meeting.](#)

Attachments: [041922 Minutes](#)

Approved.

2. [Consider a resolution approving the purchase of pool deck replacement and tile cleaning services for the Indoor Pool, from the Buy Board vendor Sunbelt Pools, Inc. of Dallas, Texas for The Keller Pointe Recreation and Aquatic Center, and cancelling the agreement approved by Resolution No. 4467 on January 18, 2022 with Sunbelt Pools, Inc. of Dallas, Texas, effective May 3, 2022; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [050322 IndoorPoolDecking Resolution](#)
[050322_SunbeltPoolsBid](#)

Resolution No. 4514 approves the purchase of pool deck replacement and tile cleaning services for the Indoor Pool, for The Keller Pointe Recreation and Aquatic Center, in the total amount of \$718,102.58, from Sunbelt Pools, Inc. of Dallas, Texas, through the Buy Board Purchasing Program; and cancelling the agreement approved by Resolution No. 4467 on January 18, 2022 with Sunbelt Pools, Inc., effective May 3, 2022; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

3. [Consider a resolution approving Field Change Order No. 4 to the Bear Creek Parkway Intersection Improvements Project \(501903\) contract with GRod Construction, LLC of Boyd, Texas to install a trail on Whitley Road and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [050322_BCPIntersectionImprovementsChangeOrder_ProposedResolution](#)
[050322_BCPIntersectionImprovementsChangeOrder_StaffAttachment](#)

Resolution No. 4515 approves Field Change Order No. 4 to the contract for construction of the Bear Creek Parkway Intersection Improvements Project (501903) with GRod Construction, LLC of Boyd, Texas for the installation of a Hike & Bike Trail on Whitley Road, in the amount of \$235,274.00; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [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 CBD, Vape and Smoke Shops; authorizing](#)

[publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-22-0002\)](#)

Attachments: [050322 UDC Text Amend CBD ORDINANCE](#)
[050322 UDC Text Amend CBD SUP Exhibit A](#)
[Item H-1 UDC Amend CBD Presentation](#)

Director of Community Development Julie Smith and Police Captain Jared Lemoine gave a presentation related to CBD, vape and smoke shop products. Mrs. Smith reviewed a summary of the proposed amendments.

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

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2061 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 CBD, Vape and Smoke Shops; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. (UDC-22-0002) 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.](#)

Attachments: [05052022 StandardsofCare2022 Ordinance](#)
[05032022 Youth Programs StandardsofCare2022](#)
[Item H-2 Standards of Care Presentation](#)

The Keller Pointe Manager Michael Beaver gave a presentation in relation to the standards of care adopted by the City of Keller Parks and Recreation Department.

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

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Beckie Paquin, to approve Ordinance No. 2062 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 a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Incentive Policy, with KCS Hospitality Group, Ltd.,](#)

who has contracted to acquire and construct three, 7,000 square foot restaurants at 1280 N. Main St on 5.37 acres known as Center Stage Addition, Lot 8, Block A, Keller, Texas; and authorizing the City Manager to execute said documents on behalf of the City of Keller, Texas.

Attachments: [050322_Center Stage Restaurants_Memo](#)
[050322_Exhibit A.1_Resolution](#)
[050322_Exhibit A-Chapter 380 Program Agreement_KCS Hospitality Group](#)
[050322_Exhibit A.2_Elan Keller Center Stage Addition_Recorded Plat](#)
[Item H-3 Center Stage Restaurants Presentation](#)

Director of Economic Development Mary Culver introduced Jimmy Archie of Realty Capital Management, 909 Lake Carolyn Parkway, Suite 150, Irving, Texas. He reviewed the Keller Center Stage development, a mixed-use project currently being constructed on U.S. 377, and a proposal for three unique sit-down restaurant concepts to be located around the Center Stage lawn area. He further reviewed the concept of each proposed restaurant: Osteria Toscana Pizzeria, Los Caminos Tex-Mex, and BaseCamp Kitchen Comforts, along with each anticipated menu. Mrs. Culver reviewed the Economic Incentive Request and accepted Incentive Recommendation with a \$848,088.85 total incentive package overall and an expected 930% return on investment at the end of the term. She pointed out that all incentives were performance-based and only the revenue generated by the businesses would be used to fulfill the incentive agreement. Mrs. Culver explained that the incentive request was in compliance with the City's Incentive Policy and inline with Council's goal of attracting vibrant development, as well as being in the top ten issues reported in the recent survey by Keller citizens desiring more quality restaurants. The City Council held discussion and questions were addressed by Mr. Archie and Mrs. Culver regarding the incentive agreement.

Mayor Armin Mizani addressed the public with an opportunity to speak on this item.

Mr. Tag Green, 2123 Pine Ridge Ct., expressed his support and concerns, and requested Council to table this item in order for more public input. Mr. David Tashman, 1705 Everest, and Mr. Vern Stansell, 2025 Lewis Crossing, expressed their concerns regarding the incentive agreement. Mr. Ray Irizarry, 1305 Oak Hill Rd, expressed his opposition of the incentive agreement. Mrs. Sandra Heaslet, 1233 Templemore Dr., and Mr. Erik Leist, 217 Chandler, expressed their support of the incentive agreement.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond, to approve Resolution No. 4516 approving a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Incentive Policy, with KCS Hospitality Group, Ltd., who has contracted to acquire and construct three, 7,000 square foot restaurants at 1280 N. Main St on 5.37 acres known as Center Stage Addition, Lot 8, Block A, Keller, Texas; and authorizing the City Manager to execute said documents on behalf of

the City of Keller, Texas. The motion carried by the following vote:

AYE: Mayor Pro Tem Sean Hicks, Council Member Shannon Dubberly, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Ross McMullin and Mayor Armin Mizani.

NAY: Council Member Chris Whatley.

4. [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 Christopher Whatley of Tin Star Entertainment dba Lagniappe Productions, owner of the property located at 120 E. Hill Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant.](#)

Attachments: [050322 Exhibit A.1 120 E Hill St Proposed Resolution](#)
[050322 Exhibit A. 120 E Hill St Chapter 380 Agreement](#)
[050322 Exhibit A.2 120 E Hill FIG Application](#)
[050322 Exhibit A.3 Resolution No. 4371](#)
[Item H-4 120 E Hill St Presentation](#)

Economic Development Specialist Siale Langi gave a presentation related to a Chapter 380 Economic Development Agreement for the property located at 120 E. Hill Street. Council Member and property owner Chris Whatley announced that he would be recusing himself from voting on this item. He reviewed background information related to his property and addressed questions from the Council.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Sheri Almond to approve 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 Christopher Whatley of Tin Star Entertainment dba Lagniappe Productions, owner of the property located at 120 E. Hill Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant.

A motion was made by Council Member Ross McMullin, seconded by Mayor Armin Mizani to amend the motion on the floor. The motion to amend the motion on the floor carried by the following vote:

YAY: Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Ross McMullin and Mayor Armin Mizani.

NAY: Mayor Pro Tem Sean Hicks and Council Member Shannon Dubberly.

RECUSED: Council Member Chris Whatley

A motion was made by Council Member Ross McMullin, seconded by Mayor Armin Mizani, to approve Resolution No. 4517 approving a Façade Improvement Grant in an amount not to exceed \$5,000.00, with Christopher Whatley of Tin Star Entertainment dba Lagniappe Productions, owner of property located at 120 E. Hill St., Keller, Texas. The motion carried by the following vote:

YAY: Council Member Shannon Dubberly, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Ross McMullin, and Mayor Armin Mizani.

NAY: Mayor Pro Tem Sean Hicks.

RECUSED: Council Member Chris Whatley.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

J. ADJOURN

A motion was made by Council Member Dubberly, seconded by Council Member McMullin, to adjourn the Regular Meeting at 9:35 P.M. The motion carried unanimously.

Mayor

City Secretary