



**City of Keller**  
**City Council**  
**Meeting Minutes**

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

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**Tuesday, August 1, 2023**

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**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 5:15 P.M.

The following City Council Members were present:

Mayor Armin Mizani

Council Member Shannon Dubberly

Council Member Sean Hicks

Council Member Jessica Juarez (by teleconference at 5:15 P.M.)

Council Member Tag Green (by video conference at 5:15 P.M.)

Council Member Chris Whatley

Mayor Pro Tem Ross McMullin

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 Linan, Director of Community Development Sarah Hensley, Director of Human Resources Marcia Reyna, Director of Economic Development Mary Culver, Police Chief Bradley G. Fortune, and Fire Chief Bobby Tatum Jr.

**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 5:26 P.M. so that the City Council could meet in an Executive Session in accordance with State Law.

**1. Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.**

(1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.

1. [137 Taylor Street](#)

**2. 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.**

2. [133 Bates Street](#)

**3. 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;**

3. [City Secretary Annual Review](#)

**4. Adjourn into Open Meeting.**

Mayor Armin Mizani called the Pre-Council Meeting back to order at 6:07 P.M.

**5. Action on Executive Session Items 1, 2, and 3 if necessary.**

No action was taken.

**D. WORK SESSION**

1. [Staff update regarding Keller Lights event.](#)

Recreation Supervisor Jordan Dawson gave an update on the Keller Lights 4th of July event.

2. [Budget Strategic Planning - Compensation, Insurance and FTE](#)

Director of Human Resources Marcia Reyna gave a presentation regarding Fiscal Year 2023-24 Personnel Services. Mrs. Reyna gave an overview on: Full Time Equivalent Employees (FTEs), Compensation History, Police and Fire Department Step Plan Changes, Market and Merit Proposals, Fiscal Year Comparison for Total Personnel Cost, Attrition, Benefits, and Wellness Initiatives, related to the Fiscal Year 2023-24 City Budget.

3. [Budget Strategic Planning - Tax and Proposed Budget Update](#)

Director of Administrative Services Aaron Rector gave a presentation relating to City Tax and an update on the proposed 2023-24 Budget. Mr. Rector highlighted that the FY 2023-24 City of Keller Operating Budget is proposed to be \$108,692,404. Essential Points for FY 2023-24 Budget are as follows:

- An operationally balanced budget that meets City Council goals and directions
- Proposing Tax Rate under “No New Revenue” Rate
- Total Personnel net increase under 4%
- Continued investment in streets and sidewalk infrastructure = \$15.5M
- Sports Park Debt = \$27.0M
- Elm Street, & SWIFT Debt
- Pavement markings = \$700K
- Second Year of TIRZ#2 Fund
- 2 Detention Officers (cost split with Regional Partners)
- Rate adjustments to City water & wastewater
- Maintains All Replacement Funding

4. [Capital Improvement Projects Update](#)

City staff will provide an update at a later time.

## E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 7:00 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

Mayor Mizani adjourned the Pre-Council Meeting at 9:38 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 7:07 P.M.

## B. INVOCATION

Pastor Scott Hall, Venture Church led 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

1. [Recognition of the Swim4Elise Foundation](#)

Mayor Armin Mizani recognized Mrs. Lori Cerami, Founder - The Swim4Elise Foundation, regarding the contributions to the community by the Swim4Elise Foundation. Mrs. Cerami addressed the City Council regarding the Swim4Elise Foundation.

### 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 or no discussion, and were acted upon as one business item.

**A motion was made by Mayor Pro Tem 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, June 20, 2023 Regular City Council Meeting.](#)

Approved.

2. [Consider a resolution adopting a Boards and Commissions Handbook for the City of Keller.](#)

Resolution No. 4669 adopts a Boards and Commissions Handbook for the City of Keller.

3. [Consider a resolution adopting 46,308 as the official population as of January 1, 2023, for the City of Keller, Texas.](#)

Resolution No. 4670 adopts 46,308 as the official population as of January 1, 2023, for the City of Keller, Texas.

4. [Consider approval of a resolution adopting the 2023 City Council Strategic Map.](#)

Resolution No. 4671 adopts the 2023 City Council Strategic Map.

5. [Consider a resolution authorizing the City Manager to execute a three year agreement with Datavox, of Houston, Texas, for the purchase of Arctic Wolf Networks managed detection and response cybersecurity services, through the State of Texas Department of Information Resources \(DIR\) Cooperative Purchasing Program, for the Information Technology Department.](#)

Resolution No. 4672 approves a three-year contract with Datavox, for Arctic Wolf managed detection and response cybersecurity services, in an amount not to exceed \$240,000.00; 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 Contract Amendments # 2 and # 3 to an Agreement for Design Services and Contract Administration with Parkhill, of Arlington, Texas, to provide water and sewer system evaluation and design at the Keller Sports Park for the Public Works Department, and design, engineering, bidding and construction phase services relating to the Splashpad Project at the Keller Sports Park for the Parks and Recreation Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4673 approves contract amendments # 2 and # 3 for the Water and Sewer System Evaluation and Design, and Design Services and Contract Administration for the Splashpad at Keller Sports Park with Parkhill, of Arlington, Texas; in the total amount of \$363,853.00, for the Public Works and Parks and Recreation Departments, and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

7. [Consider a resolution approving a construction contract with N.G. Painting, L.P. of Kerrville, Texas; for the Rehabilitation of the Pearson Ground Storage Tank #1 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.](#)

Resolution No. 4674 approves the construction contract for the Rehabilitation of the Pearson Ground Storage Tank #1 project with N.G. Painting, L.P. of Kerrville, Texas for the Public Works Department, in the amount of \$1,920,081.00 including bid alternate #1; and further authorizes the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

8. [Consider a resolution approving the purchase of a 2025 Volvo VNR Dump Truck ahead of the Fiscal Year 2023-24 budget adoption from Volvo & Mac Trucks of Waco, of Hewitt, Texas through the Buyboard Cooperative Purchasing Program and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.](#)

Resolution No. 4675 approves the purchase of a replacement dump truck from Volvo & Mac Trucks of Waco, of Hewitt, Texas through the Buyboard Purchasing Cooperative in the amount of \$201,949.00; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

9. [Consider a resolution approving the purchase of a 2024 VacCon 390H combination vacuum and hydro excavation truck ahead of the Fiscal Year 2023-24 budget adoption from Houston Freightliner, of Houston, Texas through the HGACBuy Purchasing Cooperative and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.](#)

Resolution No. 4676 approves the purchase of a 2024 VacCon vacuum and hydro excavation truck from Houston Freightliner, of Houston, Texas through the Buyboard Purchasing Cooperative in the amount of \$541,897.75; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

10. [Consider a resolution approving Amendment No. 2 to the professional services agreement with HR Green, of Plano, Texas; to provide ongoing project management, construction administration, inspection services, and project closeout for the 2022 Sidewalk Repair Program, the FY22-23 Sidewalk Repair Project, and the FY23-24 Sidewalk Repair Project, and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4677 approves Amendment No. 2 to the professional services agreement with HR Green, of Plano, Texas, relating to the 2022 Sidewalk Repair Program, FY2022-23 Sidewalk Repair Project, and FY2023-24 Sidewalk Repair Project, in the total amount of \$217,000, in accordance with the terms and conditions set forth in said amendment No. 2; and further authorizes the City Manager to execute said amendment No. 2 relating thereto on behalf of the City of Keller, Texas.

11. [Consider a resolution approving a professional services agreement with Freese and Nichols, of Fort Worth, Texas for the Utility System Generators 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.](#)

Resolution No. 4678 approves a professional services agreement with Freese and Nichols, of Fort Worth, Texas in the amount of \$1,112,800.00 in accordance with the terms and conditions set forth in said agreement; and further authorizes the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

## **G. OLD BUSINESS- None**

## **H. NEW BUSINESS**

1. [Consider a resolution approving a Final Plat with variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, for Lot 1, Block A of the Reyes Estates, located on 0.53 acres, on the west side of Randol Mill Avenue, approximately 605 feet northwest from the intersection of Randol Mill Avenue and Fawkes Lane, zoned Single Family 20,000 square-foot lots or greater \(SF-20\), and addressed 1440 and 1470 Randol Mill Avenue. Pedro Reyes, Owner/Applicant. \(P-23-0022\)](#)

Planner Amber Washington gave a presentation relating to the request for a Final Plat with variances at 1440 and 1470 Randol Mill Avenue.

Mr. Pedro Reyes, owner/applicant, addressed the City Council.

Discussion was held regarding the set-back of the house.

**A motion was made by Mayor Pro Tem Ross McMullin to approve as presented.**

**A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to amend the motion to change Variance Number 2. to require the front building setback to be 35' in lieu of the required 60' along thoroughfares.**

The motion carried by the following vote:

**AYE: 4 - Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Tag Green, and Council Member Chris Whatley.**

**NAY: 2 - Mayor Armin Mizani, and Mayor Pro Tem Ross McMullin.**

**A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Resolution No. 4679 approving a Final Plat with variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, for Lot 1, Block A of the Reyes Estates, located on 0.53 acres, on the west side of Randol Mill Avenue, approximately 605 feet northwest from the intersection of Randol Mill Avenue and Fawkes Lane, zoned Single Family 20,000 square-foot lots or greater (SF-20), and addressed 1440 and 1470 Randol Mill Avenue, with the following variances:**

1. **A variance to UDC Section 8.07(4)(a)(2) shall be allowed to permit the depth of the lot to be an average of 103.5' in lieu of the required 120' in the SF-20 zoning district.**
2. **A variance to UDC Section 8.07(4)(b)(1) shall be allowed to permit the front building setback to be 35' in lieu of the required 60' along thoroughfares.**

The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving Specific Use Permits \(SUPs\) to allow the property owner to convert approximately 750 square-feet of an existing 1,500 square-foot accessory structure into an Accessory Dwelling Unit on 2.14 acres, on the west side of Buckner Lane, approximately 600 feet northwest of the intersection of Buckner Lane and Shady Grove Road, legally described as Lot 2, Block A of the Boyer Addition, zoned Single-Family lots 36,000 square-feet or greater \(SF-36\), and addressed as 8605 Buckner Lane. Randy McAlister, Owner/Applicant. \(SUP-23-0020\).](#)

Planner Amber Washington gave a presentation relating to the request Specific Use Permits (SUPs) to allow the property owner to convert approximately 750 square-feet of an existing 1,500 square-foot accessory structure into an Accessory Dwelling Unit at 8605 Buckner Lane.

Mr. Randy McAlister owner/applicant, addressed the City Council regarding the proposal.

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 Council Member Chris Whatley, to approve Ordinance No. 2128 approving Specific Use Permits (SUPs) to allow the property owner to convert approximately 750 square-feet of an existing 1,500 square-foot accessory structure into an Accessory Dwelling Unit on 2.14 acres, on the west side of Buckner Lane, approximately 600 feet northwest of the intersection of Buckner Lane and Shady Grove Road, legally described as Lot 2, Block A of the Boyer Addition, zoned Single-Family lots 36,000 square-feet or greater (SF-36), and addressed as 8605 Buckner Lane, with the following conditions:**

1. **A Specific Use Permit to convert approximately 750 square-feet of an existing accessory structure into an Accessory Dwelling Unit shall be allowed.**
2. **A Specific Use Permit for an accessory structure in excess of 1,200 square-feet in the SF-36 zoning district shall be allowed.**
3. **A Specific Use Permit for the combined square footage of two accessory structures on the property (1,950 square-feet) to be in excess of 50% of the main dwelling unit's square footage (2,452 square-feet) shall be allowed.**

**The motion carried unanimously.**

3. [PUBLIC HEARING: Consider an ordinance approving a Planned Development Amendment for Center Stage, an existing Mixed Use Planned Development, on an approximately 38-acre property, legally described as Lots 1-10, Block A, Center Stage Addition, directly north east of the North Main Street and Mount Gilead Road intersection, zoned Planned Development - Mixed Use Commercial/Residential and addressed as 1400 North Main Street. Realty Capital Management, LLC, Applicant, RCM Keller Center Stage LLC, Owner. \(Z-23-0001\)](#)

Mr. Iván Gonzalez, Planning Consultant, gave a presentation relating to the request for a Planned Development Amendment for Center Stage.

Mayor Armin Mizani opened the public hearing.

The following individuals expressed their opposition: Mrs. Linda Taylor, 1201 Bourland Road; and Ms. Debbie Bryan, 716 Mount Gilead Road, expressed concerns with the lack of retail properties in the Center Stage development.

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

**A motion was made by Mayor Armin Mizani, seconded by Council Member Sean Hicks, to approve Ordinance No. 2129 approving a Planned Development Amendment for Center Stage, an existing Mixed Use Planned Development, on an approximately 38-acre property, legally described as Lots 1-10, Block A, Center Stage Addition, directly north east of the North Main Street and Mount Gilead Road intersection, zoned Planned Development - Mixed Use Commercial/Residential and addressed as 1400 North Main Street. The motion carried by the following vote:**

**AYE: 6 - Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez, Council Member Tag Green, Mayor Armin Mizani, and Mayor Pro Tem Ross McMullin**

**NAY: 1 - Council Member Chris Whatley**

4. [PUBLIC HEARING: Consider a resolution approving a Detailed Site Plan for a Medical Office Building, for Center Stage, an existing Mixed Use Planned Development, on an approximately 1.91-acre property, legally described as Lot 10, Block A, Center Stage Addition, located on the east side of North Main Street, directly north east of the North Main Street and Mount Gilead Road intersection, zoned Planned Development - Mixed Use - Commercial/Residential and addressed as 1260 North Main Street. Castle Development Group, Applicant, Mount Gilead Development Partners LLC, Owner. \(SP-22-0035\)](#)

Mr. Iván Gonzalez, Planning Consultant, gave a presentation relating to the request for approval of a Detailed Site Plan for a Medical Office Building, for Center Stage.

Mayor Armin Mizani opened the Public Hearing.

Mrs. Linda Taylor, 1201 Bourland Road, expressed her opposition of the proposed detail site plan of a medical office building at the Center Stage development.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Mayor Armin Mizani, to close the public hearing. The motion carried unanimously.**

**A motion was made by Council Member Sean Hicks, seconded by Mayor Armin Mizani, to approve Resolution No. 4680 approving a Detailed Site Plan for a Medical Office Building, for Center Stage, an existing Mixed Use Planned Development, on an approximately 1.91-acre property, legally described as Lot 10, Block A, Center Stage Addition, located on the east side of North Main Street, directly north east of the North Main Street and Mount Gilead Road intersection, zoned Planned Development - Mixed Use - Commercial/Residential and addressed as 1260 North Main Street. The motion carried unanimously.**

5. [Consider a resolution amending Resolution No. 4516, dated May 3, 2022, that approved 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., and authorizing the city manager to execute said documents on behalf of the City of Keller, Texas.](#)

Director of Economic Development Mary Culver gave a presentation relating to an amendment to the Chapter 380 Economic Development Program Agreement.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Mayor Armin Mizani, to approve Resolution No. 4681 amending Resolution No. 4516, dated May 3, 2022, that approved 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., 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: 5 - Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez, Mayor Armin Mizani, and Mayor Pro Tem Ross McMullin.**

**NAY: 2 - Council Member Tag Green, and Council Member Chris Whatley.**

6. [Consider an ordinance calling a Sales and Use Tax Election to be held in the City of Keller, Texas on November 7, 2023, to submit a proposition on the question of the reauthorization of a sales and use tax for street maintenance of one-fourth of one percent; making provisions for the conduct of the Election and providing for other matters related thereto; providing a cumulative clause; providing severability; providing publication; providing for engrossment and enrollment; and providing an effective date."](#)

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Sean Hicks, to approve Ordinance No. 2130 calling a Sales and Use Tax Election to be held in the City of Keller, Texas on November 7, 2023, to submit a proposition on the question of the reauthorization of a sales and use tax for street maintenance of one-fourth of one percent; making provisions for the conduct of the Election and providing for other matters related thereto; providing a cumulative clause; providing severability; providing publication; providing for engrossment and enrollment; and providing an effective date." The motion carried unanimously.**

7. [PUBLIC HEARING: Consider a resolution approving the Fiscal Year 2023-24 City of Keller Crime Control and Prevention District Budget.](#)

Police Chief Bradley G. Fortune gave a presentation relating to the Fiscal Year 2023-24 City of Keller Crime Control and Prevention District Budget.

Mayor Armin Mizani opened the Public Hearing. No public comments were received.

**A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, 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 Resolution No. 4682 approving the Fiscal Year 2023-24 City of Keller Crime Control and Prevention District Budget. The motion carried unanimously.**

## I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

1. **Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.**

(1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.

1. [137 Taylor Street](#)

2. **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.

2. [133 Bates Street](#)

3. **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;

3. [City Secretary Annual Review](#)

- 4. Adjourn into Open Meeting.
- 5. Action on Executive Session Items 1, 2, and 3 if necessary.

**J. ADJOURN**

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to adjourn the Regular Meeting and the Pre-Council Meeting at 9:38 P.M. The motion carried unanimously.

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Mayor

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City Secretary

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