



# 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, January 5, 2021

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#### PRE-COUNCIL MEETING 5:00 P.M.

##### **A. CALL TO ORDER - Mayor Armin 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 Mitch Holmes

Mayor Pro Tem Sean Hicks (attended by video conference)

Council Member Sheri Almond

Council Member Beckie Paquin (attended by video conference)

Council Member Chris Whatley (arrived at 5:03 P.M.)

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 Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Community Development Julie Smith, Director of Information Technology Sean Vreeland, Acting Director of Economic Development Mary Culver, Administrative Services Manager Sarah Hensley, Police Chief Bradley G. Fortune and Fire Chief David Jones.

##### **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 5:22 P.M. so that the City Council could meet in Executive Session.

1. **Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**

a. **1801 Rufe Snow Drive.**

b. **Marco Puente v. Blake Shimanek and Ankit Tomer.**

**2. Adjourn into Open Meeting.**

Mayor Armin Mizani called the Pre-Council Meeting back to order at 6:12 P.M.

**3. Action on Executive Session Item 1 if necessary.**

No action was taken.

**D. WORK SESSION****1. [Discuss holding a City Council strategic planning session.](#)**

City Manager Mark Hafner discussed holding a City Council Retreat and asked for direction from the City Council regarding the hiring of a facilitator, the length of the retreat, and a location. Discussion was held by the City Council. Council Member Beckie Paquin was in support of having a retreat and hiring a facilitator. Mayor Pro Tem Sean Hicks was in support of having a retreat and hiring a facilitator. Council Member Chris Whatley was in support of having a retreat and hiring a facilitator. Council Member Ross McMullin was in support of having a retreat, but felt that members of City staff could facilitate the retreat. Council Member Mitch Holmes was in support of having a retreat, hiring a facilitator, a one day event, and to conduct the retreat at Keller Town Hall. Council Member Sheri Almond was in support of having a retreat, but also felt that City staff could facilitate the retreat. Mayor Armin Mizani was in support of having a retreat and hiring a facilitator, but would like City staff to explore options regarding place, time, and having staff facilitate the retreat.

**2. [Nightingale Circle Culvert](#)**

Director of Public Works Alonzo Liñán gave a presentation regarding updates to the Nightingale Culvert Project options. Discussion was held by the City Council. Mr. Liñán proposed a new option that would include Active Warning Device(s) and drainage improvements. The City Council directed staff to proceed with the new option in the total amount of about \$700k (\$650k for Drainage and Bar Ditch and \$50k for the Water Crossing Warning).

**E. ADJOURN**

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:57 P.M.

**REGULAR MEETING 7:00 P.M.****A. CALL TO ORDER – Mayor Armin Mizani**

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

**B. INVOCATION**

Pastor Bob Roberts, Northwood Church, 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."

Council Member Mitch Holmes recognized Mayor Armin Mizani's first City Council Meeting.

#### **D. DISCUSSION**

Mayor Armin Mizani gave the following statement: "A little over two weeks ago I was sworn in as mayor for the City of Keller. And although I could never have anticipated that in our first meeting we would be discussing issues like the one that has brought many of us here tonight, I wanted to take a moment to briefly share how we got here - and more importantly where Keller will be moving forward.

On December 17th I was sworn in. A little over 24 hours later, I was informed of the incident that happened on August 15, 2020. I had the opportunity to be briefed by our chief of police on December 23rd, and in the interest of transparency the city released the video in its entirety that same day.

What's important to remember is that Keller has a Council-Manager form of government. Although the mayor and council can provide input, the mayor and council does not have authority over hiring and firing decisions, other than a few executive roles.

We do, however, have the obligation and the responsibility to provide input, to set clear expectations, and to craft good public policy for all who wish to live or visit Keller. It is because of this that on the same day I was briefed, I also requested a special executive meeting which took place on December 29th. The purpose of that meeting was for the rest of Council to be briefed, and to provide input as a collective body. That was a productive meeting.

Let me be clear: residents, including myself, have every right to be upset over this encounter. We have every right to be angry.

The encounter we saw on August 15th is not reflective of the values we share as Keller residents, nor is it reflective of the values of the officers within Keller PD who do good work and who sacrifice and devote so much time to this city.

Let's not forget Keller PD is a state recognized and nationally accredited department. In fact, Keller PD was the first agency in Texas to be both nationally accredited and state recognized. Those designations do not happen by accident.

However, police encounters like these remind us that as a city and as a department, we

must continually work to strengthen our standards and the policies we have in place.

Although we have every right to be angry and upset, let's also not forget that for good change to happen, that anger must also be met with action.

How we as a city deal with challenges can also determine our successes. As mayor, I am committed - and so is this Council - to making sure that lessons are learned from this encounter.

It is our obligation to lead and guide this city moving forward. It is our obligation to continually work on and strengthen the policies in place. It is our obligation to assure our police and fire have the training and resources necessary to keep our communities safe. And it is our obligation to making sure encounters like these never happen again.

The expectations are clear. Although this incident is not reflective of our department as a whole, isolated incidents like these cannot and will not be tolerated.

To lead and guide this city moving forward, it will require a total team effort. That means the mayor and council, city manager, chief of police, but most importantly, you our residents.

It won't happen overnight. But Keller is a resilient community. Although this incident has certainly put a temporary cloud over our community, I am confident that if we work together, we can turn this experience into a positive outcome for everyone. I am committed to that effort."

1. [Current Policing Issues - Chief Bradley G. Fortune.](#)

Chief of Police Bradley G. Fortune addressed the City Council, residents, and other members of the audience regarding the incident that occurred on August 15, 2020, and the plan for moving forward. Chief Fortune announced that there will be the two Town Hall Meetings held at Keller Town Hall on Monday, January 11, 2020, and on Thursday, January 21, 2020.

## **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.

Miss Ellie Breaux (Miss Keller), 212 Rancho Grando Trail; congratulated Mayor Mizani on his recent election, announced her social initiative of Cops in the Community, and also highlighted the Miss Keller organization scholarships.

The following individuals expressed their concerns with the City's reaction to the Keller Police Department incident that led to the Marco Puente v. Blake Shimanek and Ankit

Tomer lawsuit: Mr. John Buckner, 984 Dove Meadows; Mr. Todd Meagher, 2101 Legacy Court; Mr. Ronnie & Holly Hester, 609 Reed Street, Roanoke; Mr. Andrew Sternke, 505 Rawhide Path; Mr. David Wood, 317 Brian Drive; Ms. Debbie Wolfe, 1285 Mount Gilead Road; Mr. Charlie Proudman, 1813 Talon Court; Mr. Mike Carbone, 1519 Windsor Forest Court; Mr. Leonard Oshman, 238 Bear Hollow; Ms. Hannah Bland, 6413 Moonglow Lane, Watauga; Mr. Trey Von Webster, 904 Williamsburg Lane; Ms. Yolaunda Webster, 904 Williamsburg Lane; Ms. Jamie del Valle, 7528 Parkgate Drive, Fort Worth; and Ms. Michelle Wood, 317 Brian Drive.

Comments received from the public from the online public comment form are included as Exhibit "A".

## 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.

Council Member Sheri Almond recused herself from taking action on Consent Item 2.

**A motion was made by Council Member Mitch Holmes, seconded by Council Member Chris Whatley, to approve the Consent Agenda. The motion carried unanimously.**

1. [Consider approval of the Minutes of the Tuesday, December 15, 2020 Regular City Council Meeting.](#)

Approved

2. [Consider a resolution approving a contract with the Keller Farmers Market to conduct a recurring farmers market at Bear Creek Park; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller.](#)

Resolution No. 4323 approves a contract with Keller Farmers Market, to conduct a recurring farmers market at Bear Creek Park, in an amount not to exceed \$5,000.00, and authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller.

3. [Consider a resolution approving an Agreement for Professional Services with Kleinfelder of Irving, Texas; for the purpose of assessing four water storage tanks and providing recommendations for rehabilitation for each, 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. 4324 approves an Agreement for Professional Services with Kleinfelder of Irving, Texas; for the purpose of assessing four (4) water storage tanks and providing recommendations for rehabilitation for each, for the Public Works Department, in the amount of \$119,374.00; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller.

## G. OLD BUSINESS - None

## H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, situated on a 1.16-acre tract of land, located on the north side of Keller Parkway \(FM 1709\), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A, Southwest LTC Addition, zoned Retail \(R\), located at 455 Keller Parkway. Crista Hubbard, owner. Michael Twitchell, L.P., applicant. \(SUP-20-0025\)](#)

Director of Community Development Julie Smith gave a presentation relating to the request for a Specific Use Permit (SUP) for Las Palapas, at 455 Keller Parkway.

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

**A motion was made by Council Member Chris Whatley, 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 Mitch Holmes, to approve Ordinance No. 1998 approving a Specific Use Permit (SUP) for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, situated on a 1.16-acre tract of land, located on the north side of Keller Parkway (FM 1709), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A, Southwest LTC Addition, zoned Retail (R), located at 455 Keller Parkway. Crista Hubbard, owner. Michael Twitchell, L.P., applicant. (SUP-20-0025) The motion carried unanimously.**

2. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for an Automobile Renting Use and Outside Storage, for Shell gas station to also be utilized as a U-Haul pick-up and drop-off location on a 0.9-acre lot on the north side of Keller Parkway, approximately 800 feet west of the intersection of North Pate Orr Road and Keller Parkway, being Lot 9B, Block 2, Meadowlands Addition, zoned R \(Retail\), located at 797 Keller Parkway. HAR 26 Inc., Owner, Freeway Investment Inc., Applicant/Developer. \(SUP-20-0008\)](#)

Director of Community Development Julie Smith gave a presentation relating to the request for a Specific Use Permit (SUP) for Shell gas station to also be utilized as a U-Haul pick-up and drop-off location at 797 Keller Parkway.

Mr. Kyle McAffe, applicant, addressed the City Council regarding the proposal and informed that the only vehicles that would be parked at the location would be a cargo van and a pickup truck.

Mayor Armin Mizani opened the public hearing.

Mr. Kenneth Dennis, 300 Bourland Road, addressed his concerns with the proposed U-Hail pick-up and drop-off location.

**A motion was made by Council Member Mitch Holmes, seconded by Council Member Sheri Almond, to close the public hearing. The motion carried**

unanimously.

A motion was made by Council Member Sheri Almond, seconded by Council Member Mitch Holmes, to deny the request for a Specific Use Permit (SUP) for an Automobile Renting Use and Outside Storage, for Shell gas station to also be utilized as a U-Haul pick-up and drop-off location, located at 797 Keller Parkway. The motion carried unanimously.

3. [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 8 - Zoning Districts, Development Standards, Tree Preservation, related to fence requirements; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-20-0008\)](#)

Director of Community Development Julie Smith gave a presentation regarding amendments to the City of Keller Unified Development Code (UDC), related to fence requirements.

Mayor Armin Mizani opened the public hearing.

Mr. Kenneth Dennis, 300 Bourland Road, addressed the City Council with concerns regarding the UDC fence amendments.

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

A motion was made by Council Member Sheri Almond, seconded by Council Member Ross McMullin, to approve Ordinance No. 1999 approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to fence requirements; authorizing publication; provide for penalties; and establishing an effective date. The motion carried unanimously.

4. [Consider a resolution approving a Site Plan Amendment for the Playful Puppy Sculpture Plaza, located on the north side of Rufe Snow Drive at 330 Rufe Snow Drive, being Lot 1R, Block 1 of the Public Safety Addition, and zoned Town Center \(TC\). City of Keller, owner/applicant. \(SP-20-0036\)](#)

Director of Community Development Julie Smith gave a presentation relating to a Site Plan Amendment for the Playful Puppy Sculpture Plaza, located at 330 Rufe Snow Drive.

Administrative Services Manager Sarah Hensley gave a summary of the history of the project.

A motion was made by Council Member Chris Whatley, seconded by Council Member Sheri Almond, to approve Resolution No. 4325 approving a Site Plan Amendment for the Playful Puppy Sculpture Plaza, located on the north side of Rufe Snow Drive at 330 Rufe Snow Drive, being Lot 1R, Block 1 of the Public Safety Addition, and zoned Town Center (TC). The motion carried unanimously.



**I. EXECUTIVE SESSION**

Executive Session was not held during the Regular Meeting.

1. **Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**
  - a. **1801 Rufe Snow Drive.**
  - b. **Marco Puente v. Blake Shimanek and Ankit Tomer.**
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 Mayor Armin Mizani, to recess the Regular Meeting so the City Council could finish the Work Session discussion relating to the Nightingale Circle Culvert. The motion carried unanimously.

A motion was made by Council Member Mitch Holmes, seconded by Council Member Ross McMullin, to adjourn the City Council Meeting at 9:38 P.M. The motion carried unanimously.

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Mayor

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City Secretary