



City of Keller
City Council
Meeting Minutes

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

Tuesday, January 18, 2022

PRE-COUNCIL MEETING 2:00 P.M.

A. CALL TO ORDER - Mayor Armin R. Mizani

Mayor Armin Mizani called the Pre-Council Meeting to order at 2:00 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 Beckie Paquin
Council Member Chris Whatley (arrived at 2:06 P.M.)
Council Member Ross McMullin

The following City staff members were present: City Manager Mark Hafner, Assistant City Secretary Andrea McDonald, City Attorney Stan Lowry (via teleconference), Director of Community Services Cody Maberry, Director of Public Works Alonzo Liñán, Director of Information Services Sean Vreeland, Director of Human Resources Marcia Reyna, Director of Community Development Julie Smith (via video conference), Director of Economic Development Mary Culver, 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

Mayor Armin Mizani recessed the Pre-Council Meeting at 2:27 P.M. so that the City Council could meet in Executive Session.

- 1. Section 551.071 (2), Texas Government Code - Consultation with Attorney; Closed Meeting. A governmental body may not conduct a private consultation with its attorney except 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. Highland Terrace

2. Adjourn into Open Meeting.

Mayor Armin Mizani called the Pre-Council Meeting back to order at 3:24 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION**1. [Discuss Keller Senior Activities Center operating policy.](#)**

Discussion was held with the City Council and Mr. Cody Maberry, Director of Community Services; Mr. Kyle Cooper, Recreation Manager; and Mrs. Crystal Lopez, Senior Activities Center Supervisor; in relation to the new Senior Activities Center Operating Policy.

The City Council directed staff to charge annual membership fees to the new Senior Activities Center in the amount of \$20.00 to non-Keller residents and \$10.00 to Keller residents; and to charge fees for facility rentals at the new Senior Center equal to the amounts charged for rentals at the Keller Pointe (with the Senior Center receiving priority) after 4:30 P.M. on weekdays and on the weekends as available.

Additionally, the City Council advised staff to hold discussions with Tarrant County and the Senior Citizens Advisory Council regarding moving the voting location for all elections from Keller Town Hall to the new Senior Activities Center.

2. [Old Town Keller Phase II Project Update](#)

Mr. Alonzo Liñán, Director of Public Works, Mr. Cody Maberry, Director of Community Services, and Mrs. Sam Delmotte, P.E., with Kimley-Horn, updated the City Council on the current status of the Old Town Keller Phase II Project.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 4:49 P.M.

**REGULAR MEETING WILL BEGIN IMMEDIATELY AFTER THE
ADJOURNMENT OF THE PRE-COUNCIL MEETING.**

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayor Armin Mizani called the Regular City Council Meeting to order at 4:56 P.M.

B. INVOCATION

Council Member Ross McMullin gave the invocation.

C. PLEDGE OF ALLEGIANCE

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

There were no public comments at this meeting.

F. CONSENT

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Chris Whatley, to approve the Consent Agenda Items Number F.1 through F.13 and table Item Number F.14 to the February 1st, 2022 agenda. The motion carried unanimously.

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

Approved.

2. [Consider a resolution approving an Agreement with Neel-Schaffer, Inc., of Arlington, Texas; to provide engineering services relating to the design of the Fiscal Year 2021-22 Parking Lot Improvement Project, 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. 4460 approves an agreement with Neel-Schaffer, Inc., of Arlington, Texas; to provide engineering services relating to the design of the Fiscal Year 2021-22 Parking Lot Improvement Project, for the Parks and Recreation Department.

3. [Consider an Ordinance Approving the First Amended Regional Municipal Court Judge Agreement.](#)

Ordinance No. 2050 approves the First Amended Regional Municipal Court Judge Agreement.

4. [Consider a resolution confirming the selection by Judge Carol Montgomery of Craig Magnuson as an Associate Judge of the City of Keller Municipal Court, effective January 1, 2022.](#)

Resolution No. 4461 approves the selection by Judge Carol Montgomery of Craig

Magnuson as an Associate Judge of the City of Keller Municipal Court, effective January 1, 2022.

5. [Consider a resolution appointing a chairperson and a vice-chairperson to the Senior Citizens Advisory Council.](#)

Resolution No. 4462 approves the appointment of Susan Padgett as Chairperson and Peggy Wadsworth as Vice-Chairperson to the Senior Citizens Advisory Council.

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

Resolution No. 4463 confirms receipt of the Keller Quarterly Financial Report for period ending September 30, 2021 (unaudited).

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

Resolution No. 4464 confirms receipt of the Keller Quarterly Investment Report for period ending September 30, 2021.

8. [Consider a resolution approving a two-year agreement with the option for one-year or two-year renewals, for investment services with Valley View Consulting, L.L.C. Inc.; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4465 approves a two-year agreement with the option for one-year or two-year renewals, for investment services with Valley View Consulting, L.L.C. Inc.

9. [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. 4466 approves a contract with the Keller Farmers Market to conduct a recurring farmers market at Bear Creek Park.

10. [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 Number 4421 on October 5, 2021 with Sunbelt Pools, Inc. of Dallas, Texas, effective January 18, 2022; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4467 approves 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 Number 4421 on October 5, 2021 with Sunbelt Pools, Inc. of Dallas, Texas, effective January 18, 2022.

11. [Consider a resolution approving a professional services agreement with Criado & Associates, Inc. of Dallas, Texas; to provide construction inspection services for the Public Works Department in the amount of \\$100,000 and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4468 approves a professional services agreement with Criado & Associates, Inc. of Dallas, Texas; to provide construction inspection services for the Public Works Department in the amount of \$100,000.00.

12. [Consider a resolution approving the FY 2021-22 police vehicle upfitting thru Defender Supply LLC, reducing the purchasing agreement with Enterprise Fleet Management, and authorizing the City Manager to execute all related purchasing documents on behalf of the City of Keller, Texas.](#)

Resolution No. 4469 approves the FY 2021-22 police vehicle upfitting through Defender Supply LLC, reducing the purchasing agreement with Enterprise Fleet Management.

13. [Consider a resolution approving a consulting services agreement with Sciens Consulting for the Community Development System Solution Selection project and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4470 approves a consulting services agreement with Sciens Consulting for the Community Development System Solution Selection Project.

14. [Consider an ordinance amending the City of Keller Code of Ordinances to adopt the 2021 International Building Code, the 2021 International Residential Code, the 2021 International Fire Code, the 2021 International Fuel Gas Code, the 2020 National Electric Code, the 2021 International Plumbing Code, the 2021 International Mechanical Code, the 2018 International Energy Conservation Code, the 2021 International Existing Building Code, the 2021 International Property Maintenance Code, and the 2021 International Swimming Pool and Spa Code; amending City of Keller Ordinance 1807 Related to Outdoor Burning; providing a cumulative clause; providing a severability clause; providing a savings clause; authorizing publication; and establishing an effective date.](#)

This item was tabled to the February 1st, 2022 Regular City Council Meeting.

G. OLD BUSINESS - None

Council Member Beckie Paquin took a moment to address the audience and express her disapproval of moving the start time of this meeting up to 2:00 P.M. from the regular start time.

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits \(SUPs\) to construct an 1,800 square-foot accessory structure on the property legally described as](#)

Lot 10 of Black Addition, being approximately 1.89-acres, located on the south side of Barbara Lane, approximately 1,200 feet southwest from the intersection of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater (SF-36) and addressed as 800 Barbara Lane. Thomas and Julie McCullam, Applicants/Owners. (SUP-21-0038)

Planner II, Mrs. Katasha Smithers, gave a presentation related to an SUP request at 800 Barbara Lane. Property Owner, Thomas McCullam, addressed questions from the City Council.

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

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Ross McMullin, to approve Ordinance No. 2051; approving two Specific Use Permits (SUPs) to construct an 1,800 square-foot accessory structure on the property legally described as Lot 10 of Black Addition, being approximately 1.89-acres, located on the south side of Barbara Lane, approximately 1,200 feet southwest from the intersection of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater (SF-36) and addressed as 800 Barbara Lane. The motion carried unanimously.

2. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) and Massage Therapists Licensed in Texas, for Villa Nails and Hair in an existing 1,500 square-foot lease space, within a 23,875 square-foot multi-tenant building, on the property legally described as Lot 1, Block 1 of Tommy Tackett Addition, being approximately 1.4-acres, located on the north side of Keller Hicks Road, situated at the intersection of Keller Hicks Road and North Main Street (HWY 377), zoned Old Town Keller (OTK) and addressed as 102 Keller Hicks Suite 111. Van Nguyen, Applicant; Budrirohers Real Estate, LLC, Owner. (SUP-21-0039)

Mrs. Katasha Smithers, Planner II, gave a presentation in relation to an SUP request at 102 Keller Hicks, Suite 111.

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 Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin, to approve Ordinance No. 2052; approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) and Massage Therapists Licensed in Texas, for Villa Nails and Hair in an existing 1,500 square-foot lease space, within a 23,875 square-foot multi-tenant building, on the property legally described as Lot 1, Block 1 of Tommy Tackett Addition, being approximately 1.4-acres, located on the north side of Keller Hicks Road, situated at the intersection of Keller Hicks Road and North Main Street (HWY 377), zoned Old Town Keller (OTK) and addressed as 102 Keller Hicks Suite 111. The motion

carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to situate a temporary seasonal storage pod for three months \(November 1st to January 31st\) out of the year for a three-year period for the UPS Store on the property legally described as Lot 7R1, Block A of Keller-Crossing Addition, being approximately 2.18-acres, located on the south side of Keller Parkway, approximately 500 feet southeast from the intersection of Keller Parkway and Keller Smithfield Road, zoned Planned Development - Retail \(PD-R\) and addressed as 1540 Keller Parkway Suite 108. UPS Store, Applicant; JAHCO Keller Crossing, LLC, Owner. \(SUP-21-0040\)](#)

Planner II, Mrs. Katasha Smithers, gave a presentation related to an SUP request located at 1540 Keller Parkway, Suite 108.

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

A motion was made by Mayor Armin Mizani, seconded by Council Member Ross McMullin, to approve Ordinance No. 2053; approving a Specific Use Permit (SUP) to situate a temporary seasonal storage pod for three months (November 1st to January 31st) out of the year for a three-year period for the UPS Store on the property legally described as Lot 7R1, Block A of Keller-Crossing Addition, being approximately 2.18-acres, located on the south side of Keller Parkway, approximately 500 feet southeast from the intersection of Keller Parkway and Keller Smithfield Road, zoned Planned Development - Retail (PD-R) and addressed as 1540 Keller Parkway Suite 108. The motion carried by the following vote:

AYE: Mayor Armin Mizani, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Chris Whatley, and Council Member Ross McMullin.

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

4. [Consider a resolution approving an updated incentives policy to promote Economic Development and stimulate business and commercial activity in the city; establishing guidelines and criteria for approval of tax abatements and other incentives; in accordance with Chapter 380 of the Texas Local Government Code; and Chapter 312 of the Texas Tax Code; replacing Resolution No. 3460, dated December 17, 2013.](#)

Mrs. Mary M. Culver, Director of Economic Development, gave a presentation in relation to updating the Economic Development Incentives Policy.

Council Member Ross McMullin suggested amending Chapter 4.2.1. of the proposed policy, to separate retail from restaurants, in an effort to emphasize high quality restaurants.

A motion was made by Council Member Sheri Almond, seconded by Mayor Armin Mizani, to approve Resolution No. 4471 as amended; approving an updated incentives policy to promote Economic Development and stimulate business and commercial activity in the city; establishing guidelines and criteria for approval of tax abatements and other incentives; in accordance with Chapter 380 of the Texas Local Government Code; and Chapter 312 of the Texas Tax Code; replacing Resolution No. 3460, dated December 17, 2013. The motion carried unanimously.

- 5. [Consider a resolution calling the General Election for City Council Place 3 and City Council Place 4 for the City of Keller, to be held on May 7, 2022, as set forth by the City Charter and Texas Election Code.](#)

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin to approve Resolution No. 4472 calling the General Election for City Council Place 3 and City Council Place 4 for the City of Keller, to be held on May 7, 2022, as set forth by the City Charter and Texas Election Code. The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular Meeting at 5:30 P.M.

Mayor

City Secretary