



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 17, 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

Council Member Jessica Juarez (sworn in at 7:00 P.M.)

Council Member Tag Green (sworn in at 7:00 P.M.)

Council Member Chris Whatley

Council Member Ross McMullin

Council Member Sheri Almond and Council Member Beckie Paquin were absent.

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 Human Resources Marcia Reyna, Director of Community Development Julie Smith, Assistant Director of Community Development Sarah Hensley, Economic Development Specialist Siale Langi, Communication and Public Engagement Manager Rachel Reynolds, Communication Specialist Charles Swanigon, 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 6:32 P.M. so that the City Council could meet in an Executive Session in accordance with State Law.

1. Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:

(2) 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.

Topic: Agenda Item F-2, Consider an ordinance amending the City of Keller Code of Ordinances Chapter 10, Miscellaneous Provisions by amending Article IX - Sex Offender Residency Restrictions, Section 10-1460 - Appeals; by naming the Chief of Police as the approval or denial authority of said appeals; providing a repealing clause; providing a penalty; providing a severability clause; and establishing an effective date.

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

No action was taken.

3. **Adjourn into Open Meeting.**

Mayor Armin Mizani reconvened the Pre-Council Meeting at 6:56 P.M

D. WORK SESSION

1. [Budget Strategic Planning - Economic Development, Sales Tax, & Permit Revenue](#)

Attachments: [Item D-1 Work Session - Budget - Econ Devel, Sales Tax, Permit](#)

Director of Administrative Services Aaron Rector gave a presentation relating to Economic Development, Sales Tax, and Permit Review as they relate to the Fiscal Year 2022-23 Budget.

2. [Update from Human Resources on progress of Council's Goal #5 Put People First and discussion on additional work/life balance initiatives.](#)

Attachments: [Item D-2 Work Session - HR Update Goal #5 Work Life Balance](#)

Director of Human Resources Marcia Reyna gave a presentation relating to possible work/life balance initiatives. Ms. Reyna listed the following recent adjustments to employee policies: Revision to Sick Leave Use Policy, Revision to The Keller Pointe membership for employee families, Extended casual dress code during the holidays, Increased On-Call Pay, Implemented Youth Mentorship Program (volunteer time off), and Held Employee Roundtable meetings to discuss ideas.

Ms. Reyna introduced the idea of a Compressed Work Week/4-Day Schedule, which would allow Town Hall, Municipal Service Center and Police Records Office to be closed on Fridays. The new schedule will run on a Trial Period (May 28, 2022 - October 14, 2022), with a City Council Update on October 4, 2022.

The new hours for Town Hall, Municipal Service Center and Police Records Office will be Monday-Thursday, 7:30 a.m. to 5:30 p.m.

The City Council was unanimously supportive of the new schedule and appreciated the creativity of City Staff for the idea.

3. [Old Town Keller Phase II - Bates Street Public Art Benches](#)

Attachments: [Work Session-Bates Benches Presentation](#)

Administrative Services Manager Lupe Orozco gave a presentation relating to the Bates Street Public Arts Benches. The plans for Bates street include 12 pedestrian benches. A call for art was issued by the City as part of Phase I of the application process. The Public Arts Board selected fifteen submissions to move on the Phase 2 of the Bates Street Public Art Bench Project. Discussion was held by the City Council on the cost, appearance, and location of the benches.

4. [City Council Updates on Boards and Commissions Progress](#)

Mayor Armin Mizani announced that there was one resignation from the Senior Citizens Advisory Board. Mayor Pro Tem Sean Hicks stated that the Finance Committee met prior to the Council Meeting and discussed the current economic trends. Council Member Ross McMullin shared that he and Director of Administrative Services Aaron Rector recently attend a Roundtable Discussion with Congresswoman Beth Van Duyne where appropriations were the topic. Mr. McMullin and Mr. Rector focused their questions and comments on the Keller Sports Park.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:56 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

B. INVOCATION

Pastor Nick Domesick, Life.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 - 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.

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

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Ross McMullin, to approve the Consent Agenda items 1, 3, 4, and 5; and to hear Consent Agenda Item 2 separately. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, May 3, 2022 Regular City Council Meeting.](#)

Attachments: [050322 Minutes.pdf](#)

Approved.

2. [Consider an ordinance amending the City of Keller Code of Ordinances Chapter 10, Miscellaneous Provisions by amending Article IX - Sex Offender Residency Restrictions, Section 10-1460 - Appeals; by naming the Chief of Police as the approval or denial authority of said appeals; providing a repealing clause; providing a penalty; providing a severability clause; and establishing an effective date.](#)

Attachments: [051721 Sex Offender Amendment Ordinance](#)

A motion was made by Council Member Ross McMullin, seconded by Council Member Chris Whatley, to approve Ordinance No. 2066 amending the City of Keller Code of Ordinances Chapter 10, Miscellaneous Provisions by amending Article IX - Sex Offender Residency Restrictions, by removing Section 10-1460 - Appeals; and by removing any mention of appeals to said ordinance; providing a repealing clause; providing a penalty; providing a severability clause; and establishing an effective date. The motion carried unanimously.

3. [Consider a resolution approving an agreement for professional services with Teague, Nall and Perkins, Inc. of Fort Worth, Texas for design and construction services for the Water System Capital Improvements Plan - Phase 3, for water loss prevention projects 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: [051722 SWIFTIII RESOLUTION](#)

[051722 SWIFTIII EXHIBITA](#)

[051722 SWIFTIII MAP](#)

The City Council of the City of Keller, Texas hereby approves Resolution No. 4518 which approves an Agreement for Professional Services with Teague, Nall and Perkins, Inc. of Fort Worth, Texas, for the purpose of providing engineering services relating to the design and construction of the Water System Capital Improvements - Phase 3 project, for the Public Works Department, in the amount of \$1,158,400.00; and authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

4. [Consider a resolution approving the FY 2022-23 vehicle replacement purchases through Enterprise Fleet Management and authorizing the City Manager to execute all related purchasing documents on behalf of the City of Keller, Texas.](#)

Attachments: [051722 FY 23 Fleet Replacement Resolution](#)

The City Council of the City of Keller, Texas hereby approves Resolution No. 4519 which approves the purchase of eleven vehicles through Enterprise Fleet Management for \$760,516.21; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

5. [Consider a resolution amending Resolution No. 4260, approved by the City Council on June 16, 2020 for a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, pursuant to the City of Keller Façade Improvement Grant Policy, with Albert "Trey" Grant III of The Well Church Keller, owner of 129 Pecan Street, Keller, Texas, extending the completion date and authorizing the City Manager to execute said documents on behalf of the city.](#)

Attachments: [051722 129 Pecan Resolution.docx](#)

[051722 129 Pecan FIG 380 Amendment.pdf](#)

[051722 129 Pecan 2nd Extension Request.pdf](#)

[051722_Resolution No. 4371_Facade Improvement Grant Policy.pdf](#)

[Item F-5 Presentation 129 Pecan FIG Amendment](#)

The City Council of the City of Keller, Texas hereby approves Resolution No. 4520 which approves Amendment No. 1 of the Chapter 380 Economic Development Program Agreement, changing the completion date from June 16, 2021 to June 16, 2022, leaving all other terms of the agreement the same, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Albert "Trey" Grant III of The Well Church Keller, owner of property located at 129 Pecan Street, Keller, Texas, and further authorizes the City Manager to execute said documents on behalf of the City of Keller, Texas.

G. ELECTIONS

1. [Consider a resolution canvassing the General Election duly held in the City of Keller, Texas, on the 7th day of May 2022, for City Council Place 3 and City Council Place 4.](#)

Attachments: [051722_Canvassing May 7 Election_Res. No.](#)
[051722_May 7 2022 Election Cumulative Results](#)
[051722_May 7 2022 Election Precinct Results](#)
[G1 Election Presentation](#)

City Secretary Kelly Ballard announced the following results of the May 7, 2022 General Election for City Council Place 3 and Place 4:

City Council Place 3: Jessica Juarez

City Council Place 4: Tag Green

A motion was made by Council Member Chris Whatley, seconded by Council Member Ross McMullin, to approve Resolution No. 4521 canvassing the General Election duly held in the City of Keller, Texas, on the 7th day of May 2022, for City Council Place 3 and City Council Place 4, showing the following results:

City Council Place 3

Sheri Almond - 2,519 votes

Jessica Juarez - 3,296 votes

City Council Place 4

Beckie Paquin: 2,730

Tag Green: 3,074

The motion carried unanimously.

2. [Administer the Oath of Office to City Council Place 3 and Place 4.](#)

Judge Kenneth Newell, 233rd District Court, Tarrant County, administered the Oath of Office to the City Council Place 3 Jessica Juarez. Council Member Jessica Juarez addressed the citizens of Keller regarding her successful election to City Council.

Judge William P. Brandt, Tarrant County Justice of the Peace Precinct 3 administered the Oath of office to City Council Place 4 Tag Green. Council Member Tag Green addressed the citizens of Keller regarding his successful election to City Council.

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Alpha & Omega Chiropractic, a chiropractic office on .59 acre located on the west side of Elm Street, northwest of the intersection of South Elm Street and Pecan Street, legally described as Lots 5 and 6, Block 7 of Keller, City Addition, zoned Old Town Keller \(OTK\) and addressed as 252 South Elm Street, Building A. Keller Kidz Holdings LLC/Sridhar Gajula, Owner. Morgan Himango, Applicant. \(SUP-22-0004\)](#)

Attachments: [051722_Alpha Omega SUP_ORDINANCE](#)
[051722_Alpha Omega SUP_Application.pdf](#)
[051722_Alpha Omega SUP_MAPS.pdf](#)
[Item H-1 Presentation Alpha Omega Chiropractic SUP](#)

Community Development Director Julie Smith gave a presentation relating to Specific Use Permit (SUP) for Alpha & Omega Chiropractic, at 252 South Elm Street, Building A.

Mayor Armin Mizani opened the public hearing.

Ms. Brooke Ford, 4425 Gilbert Ave. Apt. 224, Dallas, TX 75219, addressed the City Council regarding her support of the Specific Use Permit request for Alpha & Omega Chiropractic.

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

A motion was made by Council Member Chris Whatley, seconded by Council Member Ross McMullin, to approve Ordinance No. 2063 approving a Specific Use Permit (SUP) for Alpha & Omega Chiropractic, a chiropractic office on .59 acre located on the west side of Elm Street, northwest of the intersection of South Elm Street and Pecan Street, legally described as Lots 5 and 6, Block 7 of Keller, City Addition, zoned Old Town Keller (OTK) and addressed as 252 South Elm Street, Building A with the following condition:

1. The SUP for Alpha & Omega Chiropractic Office to operate a Medical Office in the Old Town Keller zoning district shall be allowed.

The motion carried unanimously.

- 2. PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits (SUPs) for a 1,440 square-foot detached accessory structure with an average height of 21 feet, located on one acre, situated on the west side of Elkin Lane at the intersection of Florence Road and Elkin Lane, legally described as Lot 1, Block 2 of Arabian Horse Country addition, zoned Single-Family 36,000 square-foot lot size or greater (SF-36) and addressed 990 Elkin Lane. Valter Moreira, Owner/Applicant. (SUP-22-0005)**

Attachments: [051722_ElkinLane SUP_ORDINANCE](#)
[051722_990Elkin SUP_AerialandZoning_.pdf](#)
[051722_990Elkin SUP_Staff Attachment.pdf](#)
[051722_990Elkin SUP_Existing Conditions](#)
[051722_Elkin Lane SUP_Photos](#)
[Item H-2 Presentation Elkin Lane SUP](#)

Community Development Director Julie Smith gave a presentation relating to a request for two Specific Use Permits (SUPs) for a 1,440 square-foot detached accessory structure

with an average height of 21 feet, at 990 Elkin Lane.

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

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

A motion was made by Council Member Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2064 approving two Specific Use Permits (SUPs) for a 1,440 square-foot detached accessory structure with an average height of 21 feet, located on one acre, situated on the west side of Elkin Lane at the intersection of Florence Road and Elkin Lane, legally described as Lot 1, Block 2 of Arabian Horse Country addition, zoned Single-Family 36,000 square-foot lot size or greater (SF-36) and addressed 990 Elkin Lane with the following conditions:

- 1. An SUP for the size of the accessory structure to be 1,440 square feet and exceed the 1,200 square-foot maximum in SF-36 zoning shall be allowed.**
- 2. An SUP for the height of the accessory structure to exceed the UDC requirement of an average of 15 feet tall shall be allowed. The proposed height is an average of 21 feet with a peak of 23 feet, 9 inches.**

The motion carried unanimously.

- 3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Equipment Share to allow "high-risk or hazardous industrial use", specifically above-ground storage tanks, on an approximately 4.77-acre tract of land, situated on the east side of South Main Street \(HWY 377\), approximately 250 feet south from the intersection of South Main Street and Calverley Place, being Lot 1A, Block 1 of the Steelwright Addition, zoned Light Industrial \(LI\), and addressed as 1675 South Main Street. Storm Master Funding LLC., Owner. BB Holdings TX LLP., Applicant. \(SUP-22-0009\)](#)**

Attachments: [051722 Equipment Share SUP ORDINANCE](#)
[051722 Equipment Share SUP Exhibit A](#)
[051722 Equipment Share SUP Maps](#)
[Item H-3 Presentation Equipment Share SUP](#)

Community Development Director Julie Smith gave a presentation relating to a request for a Specific Use Permit (SUP) for Equipment Share to allow "high-risk or hazardous industrial use", at 1675 South Main Street.

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

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

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro

Tem Sean Hicks, to approve Ordinance No. 2065 approving a Specific Use Permit (SUP) for Equipment Share to allow “high-risk or hazardous industrial use”, specifically above-ground storage tanks, on an approximately 4.77-acre tract of land, situated on the east side of South Main Street (HWY 377), approximately 250 feet south from the intersection of South Main Street and Calverley Place, being Lot 1A, Block 1 of the Steelwright Addition, zoned Light Industrial (LI), and addressed as 1675 South Main Street, with the following condition:

1. An SUP for Equipment Share to install two above-ground fuel storage tanks, specifically a 4,000-gallon split compartment tank and a 550-gallon tank, as shown on Exhibit “A” in the Light Industrial zoning district.

The motion carried unanimously.

4. [Consider a resolution approving a Site Plan Amendment for Tropical Smoothie, in an existing 1,550 square-foot lease space, within a 12,094 square-foot, multi-tenant building, situated on 1.42-acre property, located on the north side of Keller Parkway \(F.M. 1709\), approximately 250 feet northwest from the intersection of Keller Parkway and Chandler Road, being Lot 2, Block A of Greenway Keller Addition, zoned Town Center \(TC\), and addressed as 1521 Keller Parkway, Suite 100. DYNE Operating, Applicant, Greenway-Keller LP., Owner. \(SP-22-0012\)](#)

Attachments: [051722 Tropical Smoothie SP Amendment Resolution](#)
[051722 Tropical Smoothie SP Amendment Staff Attachment - Application](#)
[051722 Tropical Smoothie SP Amendment Exhibit A](#)
[051722 Tropical Smoothie SP Amendment Maps](#)
[Item H-4 Tropical Smoothie SPA](#)

Community Development Director Julie Smith gave a presentation relating to a request for a Site Plan Amendment for Tropical Smoothie, located at 1521 Keller Parkway, Suite 100.

A motion was made by Council Member Tag Green, seconded by Council Member Jessica Juarez, to approve Resolution No. 4522 approving a Site Plan Amendment for Tropical Smoothie, in an existing 1,550 square-foot lease space, within a 12,094 square-foot, multi-tenant building, situated on 1.42-acre property, located on the north side of Keller Parkway (F.M. 1709), approximately 250 feet northwest from the intersection of Keller Parkway and Chandler Road, being Lot 2, Block A of Greenway Keller Addition, zoned Town Center (TC), and addressed as 1521 Keller Parkway, Suite 100. The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

J. ADJOURN

A motion was made by Council Member Chris Whatley, seconded by Council Member Ross McMullin, to adjourn the Regular Meeting at 7:30 P.M. The motion

carried unanimously.

Mayor

City Secretary