



City of Keller

City Council

Meeting Minutes

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

Tuesday, April 19, 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 5:02 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 (attended by teleconference)

Council Member Chris Whatley

Council Member Ross McMullin (arrived at 7:00 P.M.)

The following City staff members were present: City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry (by teleconference), 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, Director of Economic Development Mary Meier Culver, Economic Development Specialist Siale Langi, Communication and Public Engagement Manager Rachel Reynolds, Communication Specialist Charles Swanigon, Police Chief Bradley G. Fortune, Police Lieutenant 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. WORK SESSION

Mayor Armin Mizani recessed the Pre-Council Meeting at 5:23 P.M., and reconvened the meeting at 5:25 P.M.

1. [Budget Strategic Planning - Receive Citizen Survey Results from Onpointe Insights](#)

Mr. Ron Gailey, Onpoint Insights, gave a presentation to the City Council relating to the results from the recent Citizen Survey that was available for residents to provide feedback on City services.

2. [Shady Grove Project Overview](#)

Director of Public Works Alonzo Liñán gave a presentation relating to the Shady Grove Reconstruction project at the 30% design milestone. The project is located at Shady Grove Road from Keller-Smithfield Road to Smithfield Road and intends to improve the drainage, water and sewer systems, and sidewalks and trails. Mr. Liñán discussed the inflation to construction costs that has taken place over the past year, and that inflation is predicted to rise 2% each month or 18% in a year. Staff presented three options for the City Council to consider: 1. Move Forward with Design, Stopping at 95%, Start Relocating Utilities, Postpone Bidding/Construction Until Costs Stabilize; 2. Stop Design Now, at 30%, Address the Transition at Smithfield, Reallocate Funds to Resurface Shady Grove, Sarah Brooks (N) & Village Trail (possibly others); 3. Stop Design Now, at 30%, Reallocate Funds to Other Capital Project Priorities. Staff also reminded the City Council of the Public Input Meeting, regarding Shady Grove, that will take place on Thursday, April 21, 2022, and that the information gathered from that meeting will be presented to the Council at a later time.

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

Council Member Shannon Dubberly announced that the Keller Crime Control and Prevention District will be taking action this week on an agreement for remodeling for the Keller Police Department.

Council Member Beckie Paquin reported that the Metroport Teen Court Advisory Board is doing well.

Mayor Armin Mizani stated the members of the Keller Senior Citizens Advisory Board were administered the Oath of Office on Wednesday, April 13, 2022.

D. EXECUTIVE SESSION

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

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:41 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayor Armin Mizani called the Regular City Council Meeting to order at 7:02 P.M.

B. INVOCATION - Pastor Scott Hall, Venture Church

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. PROCLAMATIONS & PRESENTATIONS

1. [Proclamation- Child Abuse Prevention Month](#)

Mayor Armin Mizani presented a proclamation to Ms. Julie Evans, CEO for Alliance For Children, recognizing April 2022 as Child Abuse Prevention Month in The City of Keller.

2. [Presentation of Key to the City](#)

Mayor Armin Mizani presented Congresswoman Beth Van Duyne with a Key to the City and a City of Keller Flag in response to her recognition of the City of Keller as Texas' Most Family Friendly City.

Congresswoman Van Duyne thanked the City Council for the partnership and recognition by the City of Keller.

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 Chris Whatley, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, April 5, 2022 Regular City Council Meeting.](#)

Approved.

2. [Consider a resolution rejecting the proposal for Bennington Lane Drainage Improvements from Fort Worth Civil Constructors of Fort Worth, Texas; for the Public Works Department.](#)

Resolution No. 4508 (7-0) rejects the proposal for the Bennington Lane Drainage Improvement Project.

3. [Consider a resolution approving the purchase of concrete cutting services from Precision Concrete Cutting of Edmond, Oklahoma; through the Buy Board Purchasing Cooperative, for the Citywide Sidewalk Repair 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. 4509 approves the purchase of Concrete Cutting Services from Precision Concrete Cutting of Edmond, Oklahoma, through the Buy Board Purchasing Cooperative in the amount of \$250,000.00 and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

4. Consider a resolution with Metro Fire Apparatus, Inc. for emergency repairs to a ladder truck, and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.

Resolution No. 4510 approves repairs to Ladder Truck Unit 5311 from Metro Fire Apparatus Specialists, Inc. in the amount of \$55,705.65, and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

5. 2022 Sidewalk Repair Contract #2 - Consider a resolution approving the construction bid from CI Pavement of Grand Prairie, Texas; for the Chase Oaks Sidewalk Repair Project (502201-B) 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. 4511 approves the bid for the Chase Oaks Sidewalk Repair Project, From CI Pavement of Grand Prairie, Texas for the Public Works Department, in the amount of \$285,527.55; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

6. 2022 Sidewalk Repair Contract #3 - Consider a resolution approving the construction bid from Cam-Crete Contracting of Cedar Hills, Texas; for the Oak Run Sidewalk Repair Project (502201-C) 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. 4512 approves the bid for the Oak Run Sidewalk Repair Project, From Cam-Crete Contracting Inc. of Cedar Hills, Texas for the Public Works Department, in the amount of \$192,778.85; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

G. OLD BUSINESS

1. PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits (SUPs) for Dutch Bros, a proposed 1,270 square-foot restaurant with drive-thru (including a 320 square-foot covered patio with no patio seating and no interior seating), on an approximately 1-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 150 feet northwest of Country Brook Drive and Keller Parkway (F.M. 1709) intersection, at 1241 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned Town Center (TC). Greenway-Keller, L.P., Owner. BB Holdings TX LLP., Applicant. (SUP-22-0001)

Director of Community Development Julie Smith announced that the applicant has requested to table this agenda to the May 17, 2022 Regular City Council Meeting. The City Council chose to deny the request and to listen to the staff presentation.

Mrs. Smith gave a presentation relating to the request for two Specific Use Permits for Dutch Brothers. Mayor Armin Mizani continued the public hearing by asking if any members of the public wished to speak. No public comments were received.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, 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 deny the request for two Specific Use Permits (SUPs) for Dutch Bros, at 1241 Keller Parkway. The motion carried unanimously.

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits \(SUPs\) for a 5,107 square-foot accessory structure with an average height of 23' 2" on a lot of approximately 5.09 acres, legally described as Lot 3, Block A of Hive Riot Honey Addition, located on the east side of Indian Knoll Trail, approximately 2,250 feet northeast from the intersection of Shady Grove Lane and Indian Knoll Trail, zoned Single-Family 36,000 square-foot lots or greater \(SF-36\) and addressed 8910 Indian Knoll Trail. Matthew and Erin Burton, Owners/Applicant. \(SUP-22-0003\)](#)

Director of Community Development Julie Smith gave a presentation relating to a request for two Specific Use Permits for a 5,107 square-foot accessory structure for Hive Riot at 8910 Indian Knoll Trail.

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 Sean Hicks, 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. 2059 approving two Specific Use Permits (SUPs) for a 5,107 square-foot accessory structure with an average height of 23' 2" on a lot of approximately 5.09 acres, legally described as Lot 3, Block A of Hive Riot Honey Addition, located on the east side of Indian Knoll Trail, approximately 2,250 feet northeast from the intersection of Shady Grove Lane and Indian Knoll Trail, zoned Single-Family 36,000 square-foot lots or greater (SF-36) and addressed 8910 Indian Knoll Trail, with the following conditions:

1. **An SUP for a 5,107 square-foot accessory structure to be used solely as an agricultural barn exceeding 1,200 square-feet in the SF-36 zoning district shall be allowed.**
2. **An SUP for the height of the structure to exceed an average of 15 feet tall. The proposed height is an average of 23 feet, 2 inches, with a peak of 24 feet, 10 inches shall be allowed.**

The motion carried unanimously.

2. [Consider a resolution approving a Site Plan Amendment with a variance for Risen Nation Church, a 20,265 square-foot building on approximately 1.723 acres, located on the north side of Keller Parkway \(F.M. 1709\) situated northwest of the intersection of Quest Court and Keller Parkway, being Lot 2, Block 1 of Flower Addition, addressed 1711 Keller Parkway and zoned Retail \(R\). Charles W. Surber, Owner. Risen Nation Church, Applicant. \(SP-22-00010\)](#)

Director of Community Development Julie Smith gave a presentation relating to a Site Plan Amendment for Risen Nation Church at 1711 Keller Parkway.

A motion was made by Council Member Chris Whatley, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4513 approving a Site Plan Amendment with a variance for Risen Nation Church, a 20,265 square-foot building on approximately 1.723 acres, located on the north side of Keller Parkway (F.M. 1709) situated northwest of the intersection of Quest Court and Keller Parkway, being Lot 2, Block 1 of Flower Addition, addressed 1711 Keller Parkway and zoned Retail (R). The motion carried by the following vote:

AYE: 6 - Council Member Shannon Dubberly, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Chris Whatley, Council Member Ross McMullin, and Mayor Armin Mizani.

NAY: 1 - Mayor Pro Tem Sean Hicks.

3. [Consider an ordinance approving an amendment to the City of Keller Code of Ordinances Chapter 8 - Health and Sanitation by adding a new Article VI - Junked Vehicles; repealing Code of Ordinances Article V, Inoperative Motor Vehicles of Chapter 18, Traffic; providing a repealing clause; providing a maximum penalty of \\$200.00; providing a severability clause; and establishing an effective date.](#)

Director of Community Development Julie Smith gave a presentation relating to the request for an amendment to the City of Keller Code of Ordinances relating to Junked Vehicles.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Chris Whatley, to approve Ordinance No. 2060 approving an amendment to the City of Keller Code of Ordinances Chapter 8 - Health and Sanitation by adding a new Article VI - Junked Vehicles; repealing Code of Ordinances Article V, Inoperative Motor Vehicles of Chapter 18, Traffic; providing a repealing clause; providing a maximum penalty of \$200.00; providing a severability clause; and establishing an effective date. The motion carried by the following vote:

AYE: 6 - Council Member Shannon Dubberly, Council Member Sheri Almond, Council Member Beckie Paquin, Council Member Chris Whatley, Council Member Ross McMullin, and Mayor Pro Tem Sean Hicks.

NAY: 1 - Mayor Armin Mizani.

I. EXECUTIVE SESSION

Mayor Armin Mizani recessed the City Council Meeting at 8:10 P.M. so that the Council, in compliance with provisions of the Texas Open Meetings Act as authorized therein, could go into Executive Session to consider matters allowed therein and as stated in the agenda.

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.

a. **Project Orion at 1280 N. Main St. & 1300 N. Main St.**

2. Adjourn into Open Meeting.

Mayor Armin Mizani adjourned the Executive Session and reconvened the Open Meeting at 9:13 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

J. ADJOURN

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, to close adjourn the City Council Meeting at 9:13 P.M. The motion carried unanimously.

Mayor

City Secretary