



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 7, 2024

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 5:04 P.M

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Council Member Sean Hicks
Council Member Jessica Juarez
Council Member Tag Green
Council Member Chris Whatley (arrived at 5:09 P.M.)
Mayor Pro Tem Ross McMullin

The following City staff members were present: Interim City Manager Aaron Rector, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Community Services Cody Maberry, Director of Community Development Sarah Hensley, City Engineer Chad Barte, Director of Economic Development Mary Culver, Director of Human Resources Marcia Reyna, Fire Chief Bobby Tatum Jr., and Police Captain Jared Lemoine.

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 5:09 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.

a. [401 Golden Triangle Blvd.](#)

2. **Adjourn into Open Meeting.**

Mayor Armin Mizani adjourned the Executive Session and reconvened the Pre-Council Meeting at 5:41 P.M.

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

No action was taken during the Pre-Council Meeting.

D. WORK SESSION

1. [City Council Updates](#)

Council Member Jessica Juarez announced her resignation from City Council Place 3, effective May 31, 2024. City Secretary Keller Ballard announced that the City is required to fill the vacancy within 120 days by a Special Election. The date for the Special Election will be August 31, 2024.

2. [Keller Sports Park Update](#)

Attachments: [D-2 Work Session Splash Pad](#)

Director of Community Services, Mr. Clint Wofford, Landscape Architect, Parkhill, and Mr. Josh Manry, Water Technologies, Inc., gave a presentation relating to the Splash Pad portion of the Keller Sports Park Renovations.

3. [Strategic Budget Planning - Economic Development, Sales Tax](#)

Attachments: [D-3 Work Session - Budget - Econ Devel, Sales Tax](#)

Interim City Manager Aaron Rector gave a Strategic Budget Planning presentation relating to Economic Development and Sales Tax.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:54 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 7:04 P.M.

B. INVOCATION

Re. Alan Bentrup, Rector at St. Martin-in-the-Fields Episcopal 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."

D. PROCLAMATIONS

1. [National Therapy Animal Day](#)

Mayor Armin Mizani presented a proclamation to Ms. Carolyn Apodaca and Therapy Dog, Gig'em, proclaiming April 30th, 2024 as National Therapy Animal Day in the City of Keller.

2. [Ehlers-Danlos and Hypermobility Spectrum Disorders Awareness Month](#)

Mayor Armin Mizani presented a proclamation to Ms. LaShon Jackson and Ms. Amy Shreve, proclaiming May 2024 as Ehlers-Danlos Syndromes and Hypermobility Spectrum Disorders Awareness Month.

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 Items 1- 5. The motion carried by the following vote:

AYE: 6 - Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez, Mayor Armin Mizani, Council Member Chris

Whatley, and Mayor Pro Tem Ross McMullin.**NAY: 1 - Council Member Tag Green**

1. [Consider approval of the Minutes of the Tuesday, April 16, 2024 Regular City Council Meeting.](#)

Attachments: [041624 Minutes Draft](#)

Approved.

2. [Consideration and action regarding a resolution directing publication of notice of the City's intention to issue combination tax and revenue certificates of obligation to provide funds for street improvements and related issuance costs.](#)

Attachments: [050724 ElmSt NOI Resolution](#)

Resolution No. 4781

3. [Consider a resolution approving Amendment No. 2 of the Ground Lease Agreement with ME Development, approved by Resolution No. 4716, dated October 17, 2023, through a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and further authorizes the City Manager to execute said documents on behalf of the City of Keller, Texas.](#)

Attachments: [050724 Ground Lease Amend 2 Resolution](#)

[050724 Exhibit A Proposed Ground Lease Amendment No. 2](#)

[050724 Staff Attachment Ground Lease](#)

[050724 Staff Attachment Ground Lease Amend 1](#)

Resolution No. 4782 approves Amendment No. 2 to the Ground Lease Agreement with ME Development, originally approved by Resolution No. 4716, dated October 17, 2023, through a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and further authorizes the City Manager to execute said documents on behalf of the City of Keller, Texas.

4. [Consider a resolution approving an Agreement for Engineering Services with Peloton Land Solutions, Inc, a Westwood Company, of Plano, Texas; for the purpose of providing design of the Annual Sanitary Sewer Replacement Project 2024 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: [050724 SewerReplacement Resolution](#)

[050724 SewerReplacement ExhibitA](#)

[050724 SewerReplacement StaffAttachment](#)

Resolution No. 4783 approves an Agreement with Peloton Land Solutions, Inc, a Westwood Company of Plano, Texas to provide engineering services, relating to the Annual Sanitary Sewer Replacement Project 2024, in the amount of \$171,262.50, in accordance with the terms and conditions set forth in said Agreement for Engineering Services; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

5. [Consider a resolution rescinding Resolution No. 4776, approved on April 16, 2024, and approving a professional services agreement with Wade Trim, Inc., of Fort Worth, Texas; for the purpose of providing engineering design services related to the 2024 Annual Street Maintenance 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.](#)

Attachments: [050724_StreetRehabilitationProject_Resolution](#)
[050724_StreetRehabilitationProject_StaffAttachment](#)

Resolution No. 4784 approves a Professional Services Agreement with Wade Trim, Inc. of Fort Worth, Texas to provide engineering services, relating to the design of the 2024 Annual Street Maintenance Project, in the amount of \$386,054.00, in accordance with the terms and conditions set forth in said Agreement for Engineering Services; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

6. [Consider a resolution approving Change Order No. 1 to the Construction Management at Risk \(CMAR\) Services Agreement with Dean Construction of Cedar Hill, Texas, to re-establish the Guaranteed Maximum Price \(GMP\) for construction of the splashpad at the Keller Sports Park; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [Keller Sports Park GMP Change Order No. 1 Resolution](#)
[Complete with DocuSign 533422-G701-Change O \(2\)](#)
[Copy of Keller Splash Pad Schedule](#)
[D-2 Work Session Splash Pad](#)

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4785 approving Change Order No. 1 to the Construction Manager at Risk Services Agreement with Dean Construction of Cedar Hill, Texas, to set the Guaranteed Maximum Price for the splashpad in the amount of \$4,886,208.00 and the Guaranteed Maximum Price for the entire Keller Sports Park Improvement Project in the amount of \$35,787,812.00; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas. The motion carried by the following vote:

AYE: 5 - Council Member Shannon Dubberly, Council Member Jessica Juarez, Mayor Armin Mizani, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin.

NAY: 2 - Council Member Sean Hicks, and Council Member Tag Green.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for](#)

[Thai Yoga Massage in an approximately 1,600 square-foot building, on 0.12 acre, approximately 750 feet northwest from the Cindy Street and Keller Parkway intersection, legally described as Lot 1A1B, Block A of the Bryant Parc Two Addition, zoned Retail \(R\) and addressed 415 Keller Parkway. Thai Yoga Massage, LLC, Applicant. Wang-TCM LLC, owner. \(SUP-24-0007\)](#)

Attachments: [050724 Ordinance SUP-24-0007](#)
[050724_ThaiYogaSUP_AerialZoning](#)
[050724 ThaiYogaSUP Application](#)
[050724 ThaiYogaSUP_TripGenerationForm](#)
[H-1 - Thai Yoga Massage SUP Presentation](#)

Planner Amber Washington gave a presentation relating to the request for a SUP for Thai Yoga Massage to relocate the massage business to 415 Keller Parkway.

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 Tag Green, seconded by Council Member Shannon Dubberly, to approve Ordinance. No. 2164 approving a Specific Use Permit (SUP) for Thai Yoga Massage in an approximately 1,600 square-foot building, on 0.12 acre, approximately 750 feet northwest from the Cindy Street and Keller Parkway intersection, legally described as Lot 1A1B, Block A of the Bryant Parc Two Addition, zoned Retail (R) and addressed 415 Keller Parkway. The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to expand an existing carport, on 0.41 acre, approximately 400 feet northeast from the Santa Barbara Drive and Bourland Road intersection, legally described as Lot 5, Block 1 of the Parkwood Subdivision, zoned Single-Family Residential - 12,000 square-foot lots \(SF-12\) and addressed 507 Santa Barbara Drive. Marcelo Barron, Applicant. Charles Binz, Owner. \(SUP-24-0011\)](#)

Attachments: [050724 507 Santa Barbara SUP Ordinance](#)
[050724 507 Santa Barbara SUP Application and Proposal](#)
[050724 507 Santa Barbara SUP Plans](#)
[050724 507 Santa Barbara SUP street view image](#)
[050724 507 Santa Barbara SUP MAPS](#)
[H-2 - 507 Santa Barbara SUP Presentation](#)

Director of Community Development Sarah Hensley gave a presentation relating to the request for a SUP to expand an existing carport, at 507 Santa Barbara Drive.

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 Mayor Pro Tem Ross McMullin, seconded by Council Member Jessica Juarez, to approve Ordinance No. 2165 approving a Specific Use Permit (SUP) to expand an existing carport, on 0.41 acre, approximately 400 feet northeast from the Santa Barbara Drive and Bourland Road intersection, legally described as Lot 5, Block 1 of the Parkwood Subdivision, zoned Single-Family Residential - 12,000 square-foot lots (SF-12) and addressed 507 Santa Barbara Drive. The motion carried by the following vote:

AYE: 6 - Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez, Mayor Armin Mizani, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin.

NAY: 1 - Council Member Tag Green.

3. [Consider a resolution approving a Chapter 380 Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy for Café Medi, 129 Olive Street, Keller, TX 76248](#)

Attachments: [Exhibit A.1 - Resolution](#)
[Exhibit A - Cafe Medi - 129 Olive St - 380 Agreement](#)
[Exhibit A.2 - FIG Application 129 Olive](#)
[Exhibit A.3 Resolution No. 4371](#)
[H-3 - FIG Presentation 129 Olive Presentation](#)

Director of Economic Development Mary Culver gave a presentation relating to the request for a Chapter 380 Economic Development Agreement with Café Medi, located at 129 Olive Street.

A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4786 approving a Chapter 380 Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy for Café Medi, 129 Olive Street, Keller, TX 76248 The motion carried unanimously.

4. [Consider a resolution approving 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 Policy, with ME Development, owner of an approximately 70,000 SF indoor recreational multi-sports facility on approximately 7.8 acres at 401 Golden Triangle Blvd, Keller, Texas; and further authorizing the City Manager to execute said documents on behalf of the City of Keller, Texas.](#)

Attachments: [050724_380 Agreement ME Dev. Resolution](#)

Director of Economic Development Mary Culver gave a presentation relating to the request for a Chapter 380 Economic Development Agreement with ME Development, owner of an approximately 70,000 SF indoor recreational multi-sports facility on approximately 7.8 acres at 401 Golden Triangle Blvd, Keller, Texas.

A motion was made by Mayor Armin Mizani, seconded by Council Member Sean

Hicks, to approve Resolution No. 4787 approving 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 Policy, with ME Development, owner of an approximately 70,000 SF indoor recreational multi-sports facility on approximately 7.8 acres at 401 Golden Triangle Blvd, Keller, Texas; and further authorizing the City Manager to execute said documents on behalf of the City of Keller, Texas. The motion carried unanimously.

5. [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 Nine – Development Standards, relating to regulations for billboards; providing penalties; authorizing publication; and establishing an effective date. \(UDC-24-0002\)](#)

Attachments: [050724 Ordinance UDC-24-0002](#)

[050724 UDC Amendment Billboards Exhibit A -Clean](#)

[050724 UDC Amendment-Billboards Exhibit A-Redline](#)

[H-5 - UDC Amendment Billboards Presentation](#)

Director of Community Development Sarah Hensley gave a presentation relating to amendments to the Unified Development Code, by amending Article Nine - Development Standards, relating to regulations for billboards;

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

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

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Ordinance No. 2166 approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Nine – Development Standards, relating to regulations for billboards; providing penalties; authorizing publication; and establishing an effective date. The motion carried unanimously.

6. [PUBLIC HEARING: Consider an ordinance amending the City of Keller Code of Ordinances, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1600, Adoption of plan and policies, by deleting the current Water Conservation Plan in its entirety and replacing it with a new Attachment "A", 2024 Water Conservation Plan for the City of Keller, and by deleting the current Drought Contingency and Emergency Water Management Plan in its entirety and replacing it with a new Attachment "B", 2024 Drought Contingency and Emergency Water Management Plan for the City of Keller.](#)

Attachments: [050724_WaterConservation_Ordinance](#)
[050724_WaterConservation_AttachmentA](#)
[050724_WaterConservation_AttachmentB](#)
[050724_WaterConservation_StaffAttachment](#)
[H-6 - Water Conservation and Drought Contingency Plan Presentation](#)

Environmental Services Specialist Hannah E Smith gave a presentation relating to updates to the 2024 Drought Contingency and Emergency Water Management Plan.

Mayor Armin Mizani opened the public hearing.

Mr. Charles Binz, 507 Santa Barbara Drive; and Mr. Zane Kupper, 2131 Crimson Lane, expressed their thoughts regarding water conservation.

A motion was made by Mayor Armin Mizani, seconded by Council Member Jessica Juarez, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2167 amending the City of Keller Code of Ordinances, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1600, Adoption of plan and policies, by deleting the current Water Conservation Plan in its entirety and replacing it with a new Attachment "A", 2024 Water Conservation Plan for the City of Keller, and by deleting the current Drought Contingency and Emergency Water Management Plan in its entirety and replacing it with a new Attachment "B", 2024 Drought Contingency and Emergency Water Management Plan for the City of Keller. 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.

a. [401 Golden Triangle Blvd.](#)

2. Adjourn into Open Meeting.

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

J. ADJOURN

A motion was made by Council Member Chris Whatley, seconded by Council Member Jessica Juarez, to adjourn the Regular City Council Meeting at 8:25 P.M. The motion carried unanimously.

Mayor

City Secretary