



City of Keller

City Council

Meeting Minutes

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

Tuesday, July 5, 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 5:01 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 (arrived at 5:07 P.M.)

Council Member Tag Green

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 Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Community Development Julie Smith, Economic Development Specialist Siale Langi, Police Chief Bradley G. Fortune, Deputy Fire Chief Shane Gainer, Interim Fire Chief Richard Whitten.

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 5:14 P.M. so that the City Council could meet in an Executive Session in accordance with State Law.

1. **Section 551.072, Texas Government Code - Deliberation Regarding Real Property; Closed Meeting.** A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- a. **Old Town Keller Phase II: 142 E. Vine Street**

2. **Section 551.074, Texas Government Code - Personnel Matters.**
 - (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;
 - a. Fire Chief

3. **Adjourn into Open Meeting.**

Mayor Armin Mizani reconvened the Open Meeting at 6:14 P.M.

4. **Action on Executive Session Items 1 and 2 if necessary.**

Action was taken during the Regular Meeting.

D. WORK SESSION

1. [Presentation of the recommendations of the Capital Improvements Advisory Committee \(CIAC\) on the Updated Impact Fee Study and the Major Thoroughfare Plan \(MTP\).](#)

Director of Public Works Alonzo Liñán gave a presentation relating to recommendation of the Capital Improvements Advisory Committee on the updated Impact Fee Study and the Major Thoroughfare Plan. The City Council will continue discussions on these topics in future City Council Meetings. Discussion was held by the City Council.

2. [Discuss draft Short Term Rental \(STR\) ordinance.](#)

Attachments: [Short-Term Rentals PP](#)

Director of Community Development Julie Smith gave a presentation relating Short Term Rentals (STR), and the possible regulation of these types of rentals. Discussion was held by the City Council.

3. [Budget Strategic Planning - Water/WW & Drainage Fund Summaries; Fee Adjustments](#)

Attachments: [070522_Consultant Presentation](#)

[070522_Staff Presentation](#)

Director of Administrative Services Aaron Rector introduced Mr. Andrew McCartney, NewGen Strategies and Solutions, LLC. Mr. McCartney gave a presentation relating to Water/Waste Water and Drainage funds summaries.

Mr. Rector gave a presentation relating to fee adjustments.

4. [Capital Improvement Projects Update](#)

Director of Public Works Alonzo Liñán gave an update on Capital Improvement Projects.

E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:55 P.M. with the intent to continue the Work Session at the conclusion of the Regular Meeting.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 10:57 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayor Armin Mizani called the Regular Council Meeting to order at 7:03 P.M.

B. INVOCATION - Father Andrew Petta, Saint Barnabas Anglican Church

Father Andrew Petta, Saint Barnabas Anglican 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

1. [Recognition of Keller Fire-Rescue on achieving Gold Plus for 2022 Mission: Lifeline® - EMS](#)

Mayor Armin Mizani recognized Deputy Chief Shane Gainer regarding Keller Fire-Rescue's achievement of the Gold Plus for 2022 Mission: Lifeline® - EMS recognition. The City Council expressed their gratitude towards Keller Fire - Rescue.

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.

The following members of the public expressed their support of the City not regulating Short Term Rentals: Ms. Susie Wiggins, 699 Dogwood Trail; Mr. Layne Walker, 500 Charles Street; Ms. Gwen Chen, 765 Bandit Trail; Ms. Abby Mahoney, 1004 N. Main Street; Mr. Ryan Powers, 1401 Mary Court; and Mr. Kevin Richardson, 236 Dodge Trail.

The following Members of the public expressed their support of the City establishing regulations relating to Short Term Rentals: Mr. Chuck Carrocettu, 614 Goliad Drive; Mr. Chad Paris, 615 Goliad Drive; and Mr. Anthony Nasser, 612 Goliad Drive.

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 Items 1 - 4, and to take action separately on Item 5. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, June 21, 2022 Regular City Council Meeting.](#)

Attachments: [062122 Minutes.pdf](#)

Approved

2. [Consider a resolution with Mac Haik Dodge Chrysler Jeep, LTD. for the purchase of one \(1\) Dodge Ram 4500 Heavy-Duty chassis and for the refurbishment and remounting of an existing ambulance module, for the Fire Department, through the Houston-Galveston \(H-GAC\) Cooperative Purchasing Program, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [070522 Ambulance Remount Resolution](#)
[070522 Frazer Quote](#)

Resolution No. 4528 approves the purchase of one (1) Dodge Ram 4500 Heavy-Duty chassis and the refurbishment and remounting of an existing ambulance body from Mac Haik Dodge Chrysler Jeep LTD. for \$258,925.00; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

3. [Consider a resolution with Motorola Solutions Inc. for the purchase of Fire Department radios through the Houston-Galveston \(H-GAC\) Cooperative Purchasing Program, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [070522 Motorola Radio Resolution](#)
[070522 Motorola Radio Replacement Quote](#)

Resolution No. 4529 approves the purchase of radios from Motorola Solutions Inc. for \$324,617.66; 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 Creative Bus Sales for the purchase of one \(1\) Starcraft Allstar 22' Bus for the Senior Center, through the Houston-Galveston \(H-GAC\) Cooperative Purchasing Program, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [070522 Senior Bus Replacement Resolution](#)
[070522 HGAC GM Chassis 12 Passenger ADA Quote](#)

Resolution No. 4530 approves the purchase of one (1) Starcraft Allstar 22-foot Bus from Creative Bus Sales, for \$105,433.15; 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 authorizing the City Manager to execute a contract with Whitley Penn, LLP for independent auditing services, on behalf of the City of Keller, Texas, for fiscal years ended September 30, 2022 through September 30, 2026.](#)

Attachments: [070522_WhitleyPinnAudit_Resolution](#)
[070522_BidScore_RFP_22-019](#)
[070522_BestAndFinalCost_RFP_22-019](#)

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin, to approve Resolution No. 4531 authorizing the City Manager to execute an agreement with Whitley Penn, L.L.P., for independent auditing services for fiscal years ended September 30, 2022 through September 30, 2026, and approves the cost of independent auditing services for the fiscal year ended September 30, 2022 of Fifty-Six Thousand, Six Hundred and Fifty Dollars (\$56,650.00), and the cumulative cost of independent auditing services for the fiscal years ended September 30, 2022 through September 30, 2026 shall not exceed Three Hundred Thousand, Two Hundred Fifty Dollars (\$300,250.00). The motion carried by the following vote:

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

NAY: 1 - Council Member Tag Green.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Elect a Mayor Pro Tem.](#)

A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to elect Council Member Ross McMullin as Mayor Pro Tem. The motion carried by the following vote:

AYE: 4 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Jessica Juarez, and Council Member Ross McMullin.

NAY: 2 - Council Member Chris Whatley and Council Member Tag Green.

ABSTAIN: 1 - Mayor Pro Tem Sean Hicks.

2. [PUBLIC HEARING: Consider a resolution approving the Fiscal Year 2022-23 City of Keller Crime Control and Prevention District Budget.](#)

Attachments: [070522_FY23_KCCPD_Budget_Resolution](#)
[070522_FY23_KCCPD_Budget_Exhibit_A](#)
[H-2_KCCPD_Budget_2022-2023_Presentation](#)

Chief of Police Bradley G. Fortune gave a presentation relating to the Fiscal Year 2022-23 City of Keller Crime Control and Prevention Budget.

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 Ross McMullin, 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 Resolution No. 4532 approving the Fiscal Year 2022-23 City of Keller Crime Control and Prevention District Budget. The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for CJ's Salon Suites and Spas, on an approximately 4.5 acre tract of land on the West side of Rufe Snow Drive, approximately 780 feet northwest from the intersection of Bursey Road and Rufe Snow Drive, legally described as Lot 1, Block A of Keller Commons Addition, zoned Retail \(R\) and addressed 2122 Rufe Snow Drive, Suites 114-120. Retail Opportunity Keller LLC, Owner. Fredrecio Washington, Applicant. \(SUP-22-0008\)](#)

Attachments: [070522 CJs Salon SUP ORDINANCE](#)

[07522_CJs Salon SUP_Application](#)

[070522 CJs Salon SUP Maps](#)

[H-3 CJs Salon SUP Presentation](#)

Community Development Director Julie Smith gave a presentation relating to the request for a Specific Use Permit for CJs Salon Suites and Spa.

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

Mr. Fredrecio Washington, applicant, addressed the City Council regarding the proposal.

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 Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin, to approve Ordinance No. 2073 approving a Specific Use Permit (SUP) for CJ's Salon Suites and Spas, on an approximately 4.5 acre tract of land on the West side of Rufe Snow Drive, approximately 780 feet northwest from the intersection of Bursey Road and Rufe Snow Drive, legally described as Lot 1, Block A of Keller Commons Addition, zoned Retail (R) and addressed 2122 Rufe Snow Drive, Suites 114-120, with the following condition:

1. A SUP to operate a salon and spa in the Retail zoning district, Monday through Sunday, from 8 a.m. to 7 p.m. shall be allowed.

The motion carried unanimously.

4. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for The Missing Peace Autism Therapy Center to occupy a 5,300 square-foot lease space, within a 11,600 square-foot multi-tenant building, located on the east side of South Main](#)

Street, approximately 300 feet north of the Bear Creek Parkway and South Main Street intersection, on 1.02 acres, legally described as Lot 1, Block A of the Bear Creek 97 Addition, zoned Old Town Keller (OTK), and situated at 651 South Main Street, Suite 102. Manu Group, L.P., Owner. The Missing Peace Autism Therapy Center, Applicant. (SUP-22-0016)

Attachments: [070522_MissingPeace SUP ORDINANCE](#)
[070522_MissingPeace SUP Maps](#)
[070522_MissingPeace SUP Staff Attachment](#)
[H-4 Missing Peace SUP Presentation](#)

Community Development Director Julie Smith gave a presentation relating to the request for a Specific Use Permit for The Missing Peace Autism Therapy Center at 651 South Main Street, Suite 102.

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 Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin, to approve Ordinance No. 2074 approving a Specific Use Permit (SUP) for The Missing Peace Autism Therapy Center to occupy a 5,300 square-foot lease space, within a 11,600 square-foot multi-tenant building, located on the east side of South Main Street, approximately 300 feet north of the Bear Creek Parkway and South Main Street intersection, on 1.02 acres, legally described as Lot 1, Block A of the Bear Creek 97 Addition, zoned Old Town Keller (OTK), and situated at 651 South Main Street, Suite 102, with the following condition:

1. An SUP to operate a medical office for pediatric autism therapy in the OTK zoning districts shall be allowed.

The motion carried unanimously.

5. PUBLIC HEARING: Consider an ordinance approving an amendment to an existing Specific Use Permit (SUP) pertaining to signage for Goody Goody Liquor Store, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, on 1.41 acres, legally described as Lot 6R, Block A of the Bear Creek Plaza Addition, zoned Commercial (C), and situated at 730 South Main Street. 730 South Main Street Partners Ltd., Owner. Goody Goody Liquor, Inc., Applicant. (SUP-22-0018)

Attachments: [070522_GoodyGoody SUP Amendment ORDINANCE](#)
[070522_GoodyGoody SUP Amendment Maps](#)
[070522_GoodyGoody SUP Amendment Exhibit A](#)
[070522_GoodyGoody SUP Amendment Staff Attachment A](#)
[070522_GoodyGoody SUP Amendment Staff Attachment B](#)
[H-5 Goody Goody SUP Amendment Presentation](#)

Community Development Director Julie Smith gave a presentation relating to the request for a Specific Use Permit Amendment for Goody Goody Liquor Store at 730 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. 2075 approving an amendment to an existing Specific Use Permit (SUP) pertaining to signage for Goody Goody Liquor Store, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, on 1.41 acres, legally described as Lot 6R, Block A of the Bear Creek Plaza Addition, zoned Commercial (C), and situated at 730 South Main Street, with the following condition:

1. A SUP Amendment to add “wine beer liquor” and the corrected logo to the approved Goody Goody signs located above the north and east entrances of the business shall be allowed.

The motion carried by the following vote:

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

NAY: 1 - Council Member Tag Green.

- [6. Consider a resolution approving an amendment to an existing Site Plan pertaining to signage for Goody Goody Liquor Store, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, on 1.41 acres, legally described as Lot 6R, Block A of the Bear Creek Plaza Addition, zoned Commercial \(C\), and situated at 730 South Main Street. 730 South Main Street Partners Ltd., Owner. Goody Goody Liquor, Inc., Applicant. \(SP-22-0021\)](#)

Attachments: [070522_GoodyGoody SP Amendment Resolution](#)
[070522_GoodyGoody SP Amendment Maps](#)
[070522_GoodyGoody SP Amendment Exhibit A](#)
[070522_GoodyGoody SP Amendment Application](#)
[H-6 Goody Goody SP Amendment Presentation](#)

Community Development Director Julie Smith gave a presentation relating to the request for a Site Plan Amendment for Goody Goody Liquor Store at 730 South Main Street.

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Sean Hicks, to approve Resolution No. 4533 approving an amendment to an existing Site Plan pertaining to signage for Goody Goody Liquor Store, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, on 1.41 acres, legally described as Lot 6R, Block A of the Bear Creek Plaza Addition, zoned Commercial (C), and situated at 730 South Main Street. The motion carried by the following vote:

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

NAY: 1 - Council Member Tag Green.

I. EXECUTIVE SESSION

Mayor Armin Mizani announced that an Executive Session was held during the Pre-Council Meeting, and that Council will take action on Executive Session Item 1.

- 1. Section 551.072, Texas Government Code - Deliberation Regarding Real Property; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

- a. Old Town Keller Phase II: 142 E. Vine Street**

A motion was made by Council Member Ross McMullin, seconded by Council Member Shannon Dubberly, to approve a contract of sale with Dee Ann Vaught for the purchase of property located at 142 East Vine Street in an amount not to exceed \$400,000 plus any required and necessary closing costs. The motion carried unanimously.

- 2. Section 551.074, Texas Government Code - Personnel Matters.**

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

- a. Fire Chief**

No action was taken.

- 3. **Adjourn into Open Meeting.**
- 4. **Action on Executive Session Items 1 and 2 if necessary.**
See Executive Session Item 1.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular Council Meeting at 9:33 P.M. so that the City Council could reconvene the Pre-Council Meeting Work Session.

Mayor

City Secretary