



City of Keller

City Council

Meeting Minutes

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

Tuesday, March 22, 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 5:03 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Council Member Sheri Almond
Council Member Beckie Paquin
Council Member Ross McMullin

Mayor Pro Tem Sean Hicks and Council Member Chris Whatley were absent.

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, Communication Specialist Charles Swanigon, Police Lieutenant Jared Lemoine, 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 5:10 P.M. so that the City Council could conduct 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. 1280 N. Main St.

2. **Adjourn into Open Meeting.**

Mayor Armin Mizani reconvened the Pre-Council Meeting at 6:43 P.M.

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

No action was taken.

D. WORK SESSION

1. [Discuss Specific Use Permit requirement relating to Vape and CBD stores.](#)

Attachments: [Keller PD Response CBD Vape](#)

Police Lieutenant Jared Lemoine gave a presentation relating to CBD and Vape Shops and educated on the differences between CBD, Hemp, and Delta-8. Lieutenant Lemoine also discussed the legal confusion that surrounds the enforcement regarding those substances.

Community Development Director Julie Smith discussed the possibilities of requiring a Specific Use Permit for stores that sell vape and CBD products; and restricting them to only Retail and Commercial zoning districts.

The City Council unanimously directed City staff to move forward with a Unified Development Code amendment that would require Specific Use Permits for stores that sell vape and CBD products; and restricting them to only Retail and Commercial zoning districts.

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

Mayor Armin Mizani announced that this will be a monthly reoccurring agenda item that will allow the City Council Members to update each other on any information coming from their appointments on various boards, commissions, and committees.

Council Member Sheri Almond stated that the Economic Development Board has been

busy with updating the Economic Development Policies.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 7:02 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

Mayor Armin Mizani called the Regular Meeting to order at 7:09 P.M.

B. INVOCATION - Pastor Caleb Cramer, Life Church

Pastor Caleb Cramer, Life Church, led the invocation.

C. PLEDGE OF ALLEGIANCE

Pastor Caleb Cramer, Life Church, 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. [Presentation of the Key to the City to Former Mayor Pat McGrail.](#)

Mayor Armin Mizani presented a Key to the City of Keller to former Mayor Pat McGrail in honor and appreciation of his many years of service to 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.

Mrs. Andrea Stoller, 605 Keller Smithfield Drive, addressed the City Council with concerns relating to a recent vehicle that crashed into her house. She stated that this is the second time that a crash like this has happened at her home, and also requested some type of barrier or protection from future crashes into her home.

Mrs. Shannon Thomas, 1626 Creek Terrace Drive, addressed the City Council with concerns relating to the dangerous dog ordinance, and a dog attack that happened at the K9 Pointe.

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 Sheri Almond, to approve the Consent Agenda. The motion carried unanimously.

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

Attachments: [030122 Minutes.pdf](#)

Approved.

2. [Consider a resolution authorizing the City Manager to execute an Advance Funding Agreement \(AFA\) with the Texas Department of Transportation \(TxDOT\), for the Green Ribbon Program Off-Set, relating to the Old Town Keller Landscape Improvement Project.](#)

Attachments: [032222 TxDOTGreenRibbon ProposedResolution](#)

[032222_DRAFT AFA ExhibitA](#)

[032222_GreenRibbonGrant Exhibit](#)

Resolution No. 4496 approves entering an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT), for the Green Ribbon Program Off-Set, relating to the design and construction of the US 377 Landscape Improvements from Pecan Street to Taylor Street; with a total project estimated cost of \$330,724.00, with the federal project share being \$204,000.00, the state project share being \$86,724.00, and the local government share for engineering and environmental being estimated at \$40,000.00. Any cost overruns are 100% the responsibility of the local government; and further authorizes the City Manager to execute said agreement on behalf of the City of Keller, Texas.

3. [Consider a resolution approving an Agreement for Professional Services with Kimley-Horn of Fort Worth, Texas; for the purpose of providing bidding and construction phase services, relating to the Bates Street Reconstruction 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: [032222 Bates Construction Svcs ProposedResolution](#)

[032222_Bates Construction Svcs Exhibit A](#)

Resolution No. 4497 approves an Agreement for Professional Services with Kimley-Horn for the bidding and construction phase services, relating to the Bates Street Reconstruction project, in the amount of \$518,700.00; and further authorizes the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

4. [Consider a resolution approving the construction bid for the Bates Street Reconstruction project, from The Fain Group, Inc., of Fort Worth, Texas; 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: [032222 Bates Construction Bid Award RESOLUTION](#)

[032222 Bates Construction Bid Award Bid Tab](#)

Resolution No. 4498 approves the bid for the Bates Street Reconstruction project from The Fain Group, Inc., of Fort Worth, Texas, in the amount of \$4,283,638.00; and further authorizes the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.

5. [Consider a resolution approving a Discretionary Services Agreement with Oncor Electric Delivery Company LLC, for the purpose of replacing overhead facilities with underground facilities as part of the Bates Street Reconstruction 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: [032222 OncorDSA RESOLUTION](#)

[032222 OncorDSA Exhibit A](#)

Resolution No. 4499 approves a Discretionary Service Agreement with Oncor Electric Delivery Company LLC for the purpose of replacing overhead facilities with underground facilities as part of the Bates Street Reconstruction project, in the amount of \$62,169.00; 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 amending the contract with CTJ Maintenance, Inc., for janitorial services to add the new Keller Senior Activities Center; and further authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [032222 SeniorCenterJanitoria Resolution](#)

[032222 SeniorCenter Quote](#)

Resolution No. 4500 approves the amendment to the contract with CTJ Maintenance to include the new Keller Senior Activities Center for \$47,100.00 annually, for cleaning and day porter services and as needed Sunday cleaning for \$80.00 per request, and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Consider a resolution approving a Site Plan Amendment for Maple Street Biscuit Company, in an existing 3,516 square-foot lease space, within a 9,670 square-foot, multi-tenant building, situated on a 1.47-acre property, located on the north side of Keller Parkway \(F.M. 1709\), approximately 450-feet northwest of the intersection of Keller Parkway and Rufe Snow Drive, being Lot 3R-1R6, Block 8 of Bluebonnet Trails Addition, and addressed as 967 Keller Parkway, Suite D and E. Timothy Schenk, Applicant. K.W. Lee Properties LP, Owner. \(SP-22-0004\)](#)

Attachments: [032222 Maple Street Resolution](#)
[032222 Maple Street ExhibitA](#)
[032222 Maple Street Maps](#)
[032222 Maple Street Staff Attachment Application](#)
[H-1 Maple Street](#)

Director of Community Development Julie Smith gave a presentation relating to the request for a Site Plan Amendment for Maple Street Biscuit Company to remove a small portion of the storefront in order to create a patio area. Mrs. Smith stated that the applicant proposed to install a three and a half foot black wrought iron fence with gate around the exterior portion of the patio, and the 255 square-foot patio area will incorporate 14 seats on the patio and 8 seats along the sidewalk.

A motion was made by Council Member Sheri Almond, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4501 approving a Site Plan Amendment for Maple Street Biscuit Company, in an existing 3,516 square-foot lease space, within a 9,670 square-foot, multi-tenant building, situated on a 1.47-acre property, located on the north side of Keller Parkway (F.M. 1709), approximately 450-feet northwest of the intersection of Keller Parkway and Rufe Snow Drive, being Lot 3R-1R6, Block 8 of Bluebonnet Trails Addition, and addressed as 967 Keller Parkway, Suite D and E. The motion carried unanimously.

2. [Consider a resolution approving an agreement for Design Services and Contract Administration with Parkhill of Arlington, Texas, relating to the Keller Sports Park Renovations, and further authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [032222 SportsParkRenovations Resolution](#)
[032222 SportsPark Proposal](#)
[032222 SportsPark Schedule](#)
[032222 ProbableConstructionCost Approved](#)
[032222 SportsPark Phase1](#)
[032222 ConceptualMP Phasing](#)
[032222 SportsPark GraphicsList](#)

Director of Community Services Cody Maberry gave a presentation relating to the Keller Sports Park Renovation Project. Mr. Maberry stated that City staff recommends selecting Parkhill for the construction document, bidding and construction administration phase services of the project in the amount of \$2,332,300.00, paid from the Parks Capital Improvement Project Fund with funding to be determined after discussion and direction from City Council.

A motion was made by Council Member Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4502 approving a Professional Services Agreement for the construction document, bidding and construction administration phase services for the Keller Sports Park Renovation

Project, in the amount of \$2,332,300.00; with Parkhill of Arlington, Texas, for the Parks and Recreation Department; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas. 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 Shannon Dubberly, seconded by Council Member Ross McMullin, to adjourn the Regular Meeting at 8:10 P.M. The motion carried unanimously.

Mayor

City Secretary