



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 21, 2023

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 by video conference.

Council Member Jessica Juarez

Council Member Chris Whatley

Council Member Tag Green by video conference.

Mayor Pro Tem Ross McMullin

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Community Services Julie Smith, Director of Human Resources Marcia Reyna, Director of Economic Development Mary Culver, and Police Chief Bradley G. Fortune.

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 5:17 P.M. so that the City Council could meet in an Executive Session in accordance with State Law.

1. 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: Ethics complaint against the City Manager.

2. Section 551.071. Texas Government Code - CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:
 - (1) when the governmental body seeks the advice of its attorney about:
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
 - (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.

a. Ethics complaint against members of the City Council and Mayor.

3. Adjourn into Open Meeting.

Mayor Armin Mizani called the Pre-Council Meeting back to order at 5:44 P.M.

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

Action was taken during the Regular Meeting.

D. WORK SESSION

1. [Discussion on conducting a Community View/Citizen Survey as we enter into the budget process for FY 2023-24.](#)

Mr. Ron Gailey, Founder - OnPointe Insights, gave a presentation regarding the results from the recent Community View/Citizen Survey.

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

The City Council discussed the applications submitted for filling the vacancy on the Metroport Teen Court Advisory Board.

3. [Discuss parking lot and additional pickle ball amenities at Bear Creek Park.](#)

Attachments: [BearCreekPark_ParkingLotAdditions_Proposal](#)
[BearCreek_Parking_Expansion_MasterPlan](#)
[Bear_Creek_Park_Shade_Drawing](#)
[BearCreekParkingExpansion_OPC](#)
[Pickleball_Courts_Proposal](#)
[Pickleball_Courts_Scope_of_Work_Detail](#)
[Aerial_Courts_Shade_New_Trail_&_Sidewalks](#)

Director of Community Services Cody Maberry presented the recommendation from the Parks and Recreation Board for Bear Creek Park improvements by The Playground, Shade and Surfacing Depot, LLC., to include the proposed pickleball courts, shade structure, sidewalk and trail improvement layout and components, in the amount of \$413,717.00 to be paid from the Parks Capital Improvement Project Fund with funding from the adopted FY 2022-23 Keller Development Corporation Budget.

Also presented, was the proposed additional parking lots for Bear Creek Park in the amount of \$95,235.00 to be paid from the Parks Capital Improvement Project Fund and a budget amendment will be required during FY 2022-23 to transfer funds from the Keller Development Corporation Fund for the project.

Both items will be brought to City Council for approval at the April 4, 2023 Regular City Council Meeting.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:53 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

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

B. INVOCATION

Chaplain Dennis Serratt of the Watauga Police Department 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 & PRESENTATIONS

1. [Brain Injury Awareness Month](#)

Attachments: [032123 Proclamation - Brain Injury Awareness Month.pdf](#)

Mayor Armin Mizani presented a proclamation recognizing March 2023 as Brain Injury Awareness Month to Mr. James Durham, TBI One Love.

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 Council Member Shannon Dubberly, seconded by Council Member Jessica Juarez, to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, March 7, 2023 Regular City Council Meeting.](#)

Attachments: [030723 Minutes](#)

Approved.

2. [Consider a resolution approving a Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator, to conduct the City of Keller General Election, for the purpose of electing Mayor, City Council Place 5, and City Council Place 6, to be held on Saturday, May 6, 2023, and authorizing the Mayor to execute said Agreement and Contract.](#)

Attachments: [032123_050623 Election Contract Resolution](#)
[032123_050623 Election Contract](#)
[032123_050623 Election Contract Attachment A](#)
[032123_050623 Election Contract Attachment B](#)

Resolution No. 4631 approves a Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator, to conduct the City of Keller General Election, for the purpose of electing Mayor, City Council Place 5, and City Council Place 6, to be held on Saturday, May 6, 2023, in accordance with the terms and conditions set forth in said Agreement and Contract.

3. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending December 31, 2022, and providing an effective date.](#)

Attachments: [032123 FY 23 Q1 Investment Report Resolution](#)
[032123 FY23 Q1 Investment Rpt](#)

Resolution No. 4632 receives the Keller Quarterly Investment Report for period ending December 31, 2022.

4. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending December 31, 2022, and providing an effective date.](#)

Attachments: [032123 FY 23 Q1 Financial Report Resolution](#)
[032123 FY 23 Q1 Financial Report](#)

Resolution No. 4633 receives the Keller Quarterly Financial Report for period ending December 31, 2022.

5. [Consider a resolution supporting the FY24 Appropriations Requests to the Office of United States Representative Beth Van Duyne related to requests for the Bear Creek Water Line Replacement with the City of Southlake, the Keller Sports Park, a Police UTV,](#)

[and a Fire-EMS UTV.](#)

Attachments: [032123_FY24_Appropriations_Request_Resolution](#)

Resolution No. 4634 approves and supports the FY 24 appropriation requests to the Office of United States Representative Beth Van Duyne's related to the Bear Creek water line replacement with Southlake, the Sports Park revitalization project, a Police UTV, and a Fire-EMS UTV.

6. [Consider a resolution approving AUI Partners, LLC, of Fort Worth, Texas, as the Construction Manager at Risk \(CMAR\) for the Keller Police Department Renovation Project, for the Keller Police Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [032123_KPD_CMAR_Resolution.doc](#)

[032123_Exhibit_A_-_CMAR_Agreement.pdf](#)

[032123_AUI_Partners_Request_for_Fee.pdf](#)

Resolution No. 4635 approves a contract agreement for Professional CMAR Services with AUI Partners, LLC, of Ft. Worth, Texas for the purpose of providing renovations to the Keller Police Department in an amount of \$273,354.00; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

7. [Consider a resolution approving an Interlocal Agreement with Tarrant County to rehabilitate and resurface Whitley Road from Rapp Road to North Tarrant Parkway, for the Public Works Department; and authorizing the City Manager to execute said agreement.](#)

Attachments: [032123_TCProjectWhitley_Resolution](#)

[032123_TCProjectWhitley_StaffAttachment](#)

[032123_TCProjectWhitley_ExhibitA](#)

[032123_TCProjectWhitley_ExhibitB](#)

Resolution No. 4636 approves an Interlocal Agreement with Tarrant County for the rehabilitation and resurfacing of Whitley Road from Rapp Road to North Tarrant Parkway, for the Public Works Department, and further authorizes the City Manager to execute said Agreement on behalf of the City of Keller, Texas.

8. [Consider a resolution approving a Public Highway At-Grade Crossing Agreement with Union Pacific Railroad Company for the Keller Hicks Road Improvements Project, for the Public Works Department; and authorizing the City Manager to execute said agreement.](#)

Attachments: [032123_KH-UPRRCrossing_Resolution](#)

[032123_KH-UPRRCrossing_StaffAttachmentA](#)

[032123_KH-UPRRCrossing_StaffAttachmentB.pdf](#)

Resolution No. 4637 approves the Public Highway At-Grade Crossing Agreement for the Keller Hicks Road Improvements Project with Union Pacific Railroad Company for the Public Works Department, in the amount of \$213,917.00; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [Consider a resolution appointing a member to the Metroport Teen Court Advisory Board.](#)

Attachments: [032123 Metroport Teen Court Resolution](#)

A motion was made by Council Member Jessica Juarez, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4638 appointing Katie Gillham to serve on the Metroport Teen Court Advisory Board, representing the City of Keller, Texas as a participating city of the Metroport Teen Court Program, for an unexpired term ending November 30, 2024. The motion carried unanimously.

2. [Consider a resolution awarding the successful auction of city owned property, at 541 Keller Parkway, to JRTR Investments, LTD. for the purchase price of \\$200,000, in accordance with Chapter 272 of the Texas Local Government Code, pursuant to the city's economic development incentive policy; and authorizing the City Manager to execute all required documents on behalf of the City of Keller, Texas.](#)

Economic Development Director Mary Culver gave a presentation relating to the successful auction of city owned property, at 541 Keller Parkway, to JRTR Investments, LTD.

Ms. Lydia Baldwin, Director of Marketing - Te'Jun, gave a presentation relating to the elevations, menu, and atmosphere of the Te'Jun restaurant that will be opening at 541 Keller Parkway.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Chris Whatley, to approve Resolution No. 4639 awarding the successful auction of city owned property, at 541 Keller Parkway, to JRTR Investments, LTD. for the purchase price of \$200,000, in accordance with Chapter 272 of the Texas Local Government Code, pursuant to the city's economic development incentive policy; and authorizing the City Manager to execute all required documents on behalf of the City of Keller, Texas. The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to operate a retail store with used goods and merchandise sales, for Stepping Stones Foundation in a 1,910 square-foot building, situated on a .23-acre lot on the north side of Taylor Street, approximately 170 feet northwest from the intersection of Taylor Street and South Elm Street, being Lot 7, Block 12, Keller City Addition, zoned Old Town Keller \(OTK\), and addressed as 131 Taylor Street. Stepping Stones Foundation, Owner/Applicant \(SUP-23-0007\)](#)

Attachments: [032123 SteppingStones SUP ORDINANCE](#)

[022823 131 Taylor SUP Staff Attachment](#)

[022823 131 Taylor SUP MAPS](#)

[H-3 Stepping Stones SUP Presentation](#)

Assistant Community Development Director Sarah Hensley gave a presentation relating to the request for a SUP for Stepping Stones Foundation to operate a retail store with used goods and merchandise sales at 131 Taylor Street.

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

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

Ms. Christina Bynum-Breaux, Stepping Stones Foundation Founder, addressed the City Council regarding the proposal.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Jessica Juarez, to approve Ordinance No. 2011 approving a Specific Use Permit (SUP) to operate a retail store, Tuesday through Saturday, 10:00 a.m. till 6:00 p.m., with used goods and merchandise sales for Stepping Stones Foundation in a 1,910 square-foot building, situated on a .23-acre lot on the north side of Taylor Street, approximately 170 feet northwest from the intersection of Taylor Street and South Elm Street, being Lot 7, Block 12, Keller City Addition, zoned Old Town Keller (OTK), and addressed as 131 Taylor Street, as if fully set forth. The motion carried unanimously.

4. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) with variances for a carport on 0.93 acres located on the west side of Hillview Drive, approximately 440 feet northwest from the intersection of Hillview Drive and Bancroft Road, legally described as Lot 4, Block 2 of Rolling Oaks North Addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and addressed 1013 Hillview Drive. Daniel Evans, Owner/Applicant. \(SUP-22-0033\)](#)

Attachments: [032123_1013 Hillview SUP Ordinance](#)

[032123_1013 Hillview SUP Staff Attachment - Application Packet](#)

[032123_1013 Hillview SUP Staff Attachment - Photos](#)

[032123_1013 Hillview SUP Staff Attachment - Public Response](#)

[032123_1013 Hillview SUP MAPS](#)

[H-4 1013 Hillview SUP Presentation](#)

Assistant Community Development Director Sarah Hensley gave a presentation relating to the request for a SUP with variances for a carport at 1013 Hillview Drive.

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 Ross McMullin, to close the public hearing. The motion carried unanimously.

Mr. Daniel Evans, Owner/Applicant, addressed the City Council regarding the proposal.

A motion was made by Mayor Pro Tem Ross McMullin to approve the Specific Use Permit request as presented. The motion failed due to lack of a second.

A motion was made by Council Member Tag Green, seconded by Council Member Sean Hicks, to deny the request for a Specific Use Permit (SUP) with variances for a carport at 1013 Hillview Drive. The motion carried by the following vote:

AYE: 6 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez, Council Member Tag Green, and Council Member Chris Whatley.

NAY: 1 - Mayor Pro Tem Ross McMullin.

5. [PUBLIC HEARING: Consider an ordinance approving a zoning change from Commercial to Light Industrial on approximately 1.37 acres located on the east side of South Main Street, at the intersection of Calverley Place and South Main Street, legally described as Lot 5R of the South Meadow Industrial Park Addition, zoned Commercial and addressed 1661 S. Main Street. Magic Petroleum, LLC, Owner; Peyco Southwest Realty on behalf of Bruce Moore, Applicant. \(Z-22-0005\)](#)

Attachments: [032123 1661 S. Main Zoning Ordinance](#)
[032123 1661 S Main Staff AttachmentA.pdf](#)
[032123 1661 S Main Zoning AerialZoningMaps](#)
[032123 1661 S Main UseCharts](#)
[H-5 1661 S. Main Zoning Change Presentation](#)
[032123 1661 S Main Zoning StaffAttachmentB](#)

Planner Amber Washington gave a presentation relating to a request for a zoning change from Commercial to Light Industrial at 1661 S. Main Street, for Magic Petroleum.

Mr. Jim Maiback and Mr. Brian Cotter, Peyco Southwest Realty; and Mr. Bruce Moore, Magic Petroleum, addressed the City Council regarding the proposal.

Mayor Armin Mizani opened the public hearing.

Mr. David Gerda, 700 Northern Trace, expressed his opposition to the proposal.

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

Discussion was held by the City Council.

A motion was made by Mayor Armin Mizani, seconded by Mayor Pro Tem Ross McMullin, to deny the request for a zoning change from Commercial to Light Industrial at 1661 S. Main Street. The motion carried unanimously.

6. [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 Eight - Zoning Districts, Development Standards, Tree Preservation, Section 8.02 - Administration, relating to Specific Use Permit regulations; providing](#)

[penalties; authorizing publication; and establishing an effective date. \(UDC-23-0002\)](#)

Attachments: [032123 UDC Amendment-SUP Process Ordinance](#)
[032123 UDC Amendment-SUP Process Exhibit A](#)
[032123 UDC Amendment-SUP Process Staff Attachment \(Red-Line\)](#)
[H-6 UDC Amendment SUP Process Presentation](#)

Assistant Community Development Director Sarah Hensley gave a presentation relating to amendments to the City of Keller Unified Development Code (UDC), relating to Specific Use Permit regulations.

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 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 approve Ordinance No. 2012 amending the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight – Zoning Districts, Section 8.02 - Administration, relating to Specific Use Permit regulations; authorizing publication; providing a penalty; and establishing an effective date. The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

1. 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: Ethics complaint against the City Manager.
2. Section 551.071. Texas Government Code - CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:
 - (1) when the governmental body seeks the advice of its attorney about:
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
 - (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.
 - a. Ethics complaint against members of the City Council and Mayor.
3. Adjourn into Open Meeting.
4. Action on Executive Session Items 1 and 2 if necessary.

A motion was made by Council Member Shannon Dubberly, seconded by

Council Member Jessica Juarez, to accept the response by the City Attorney regarding the Ethics Violation complaint filed by Mr. Frank Roszell against the City Manager. The motion carried unanimously.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, to accept the response by the City Attorney regarding the Ethics Violation complaint filed by Mr. Frank Roszell against members of the City Council and Mayor. The motion carried unanimously.

J. ADJOURN

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, to adjourn the Council Meeting at 8:35 P.M. The motion carried unanimously.

Mayor

City Secretary