# City of Keller

## City Council

## Meeting Minutes

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

**Tuesday, September 7, 2021**

## 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
Council Member Ross McMullin

Council Member Chris Whatley was absent.

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 Community Service Cody Maberry, Director of Community Development Julie Smith, Director of Public Works Alonzo Liñán, Economic Development Director Mary Culver, Director of Information Services Sean Vreeland, Administrative Services Manager Sarah Hensley, Police Chief Bradley G. Fortune, Interim Fire Chief Richard Whitten, and Assistant 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 adjourned the Pre-Council Meeting at 5:38 P.M. so that the City Council could meet in Executive Session in accordance with State Law.

1. **Section 551.087, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.**

   **a. Old Town Keller Phase II - Elm Street Improvements Project**

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. City Secretary**

3. **Adjourn into Open Meeting.**

   Mayor Armin Mizani reconvened the Pre-Council Meeting at 6:42 P.M.

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

   No action was taken.

## D. WORK SESSION

Mayor Mizani recessed the Work Session at 6:58 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

Mayor Mizani reconvened the Work Session at 9:01 P.M.

1. Discuss possible amendments to the Unified Development Code relating to Fences.

   Community Development Director Julie Smith gave a presentation relating to possible amendments to the Unified Development Code (UDC) relating to Fences. Discussion was held by the City Council. Amendments to the UDC will be brought to a future City Council meeting for approval.

2. American Rescue Plan Act (ARPA) funding allocation and uses

   Director of Administrative Services Aaron Rector gave a presentation relating to the American Rescue Plan Act.

3. Sports Park Task Force Update

   Mayor Armin Mizani opened a discussion updated the City Council on the progress of the Keller Sports Park Task Force. Director of Administrative Services Aaron Rector gave a presentation relating to the Keller Development Corporation budget. The City Council discussed increasing the Keller Sports Park project up to $25M out of Keller Development Corporation funds.

## E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:54 P.M. with the intent to reconvene after the conclusion of the Regular Meeting.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 10:20 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 7:06 P.M.

## B. INVOCATION - Pastor Sterling Smith, Whites Chapel United Methodist

Pastor Sterling Smith, Whites Chapel United Methodist, gave the invocation.

## C. PLEDGE OF ALLEGIANCE

Mayor Armin Mizani led the Pledge to the United States Flag and 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 Certificate of Recognition by the Texas Police Chiefs Association.

   Former DFW Airport Police Chief Tom Sheehan presented Keller Police Chief Brad Fortune and Accreditation Manager Amanda Baker with the Certificate of Recognition from the Texas Police Chiefs Association. This award recognizes police departments for delivering exceptional police services while using the best practices in law enforcement.

2. Presentation of 2020 Pandemic Book by Tarrant County

   Tarrant County Clerk, Mary Louise Nicholson, presented the Tarrant County 2020 Coronavirus Pandemic historical book to the City of Keller Library. Library Director Jana Prock accepted the book on behalf of the library.

3. Proclamation for September 11th Remembrance

   Mayor Armin Mizani presented a proclamation in remembrance of the tragic events of September 11, 2001, and the 20 year anniversary.

## 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 Mayor Pro Tem Sean Hicks, seconded by Council Member Beckie Paquin, to remove Item F.3 from the consent agenda, and to approve the Consent Agenda Items F.1 - F.2 and F.4 - F.6 The motion carried unanimously.**

1. Consider approval of the Minutes of the Tuesday, August 17, 2021 Regular City Council Meeting.

   Approved.

2. Consider a resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp.,Mid-Tex Division regarding the company's 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

   Resolution No. 4402 approves a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp.,Mid-Tex Division regarding the company's 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

3. Consider an ordinance amending the City of Keller Code of Ordinances Chapter 10, Miscellaneous Provisions by adding Article IX - Sex Offender Residency Restrictions; prohibiting certain registered sex offenders from residing within a certain distance of where children commonly gather; dispensing with a culpable mental state; providing a repealing clause; providing a penalty; providing a severability clause; and establishing an effective date.

   **A motion was made by Mayor Armin Mizani, seconded by Council Member Sheri Almond, to table Item F.3 to the next City Council Work Session. The motion carried unanimously.**

4. Consider a resolution rejecting the proposals for Lifeguard Services - The Keller Pointe, for the Parks and Recreation Department.

   Resolution No. 4403 rejects all bids for Lifeguard Services at The Keller Pointe.

5. Consider a resolution authorizing the City Manager to execute an agreement with Wilson Office Interiors, of Dallas, Texas, for the purchase and installation of furniture for the Keller Senior Activities Center, through the OMNIA Cooperative Purchasing for Local Government Procurement Program, The Interlocal Purchasing System, and the National Cooperative Purchasing Alliance, 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.

   Resolution No. 4404 approves the agreement with Wilson Office Interiors, of Dallas, TX, for the purchase and installation of furniture in the Keller Senior Activities Center, in the amount of $291,867.45, through the OMNIA Cooperative Purchasing for Local Government Procurement Program, The Interlocal Purchasing System, and the National Cooperative Purchasing Alliance, for the Parks and Recreation Department; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

6. Consider a resolution approving an agreement for Design Services with Parkhill Schrickel Rollins, of Arlington, Texas, relating to the Keller Sports Park Master Plan, and further authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

   Resolution No. 4405 approves the agreement with Parkhill Schrickel Rollins, of Arlington, Texas, for design services related to the Keller Sports Park Master Plan, in the amount of $77,500.00, for the Parks and Recreation Department; 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 Chapter 380 Economic Development Agreement pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with Edward Kirkwood of Kirkwood Investments, owner of the property located at 130 Hill Street, Building B, Keller, TX 76248 for a City of Keller Façade Improvement Grant.

   Economic Development Director Mary Culver gave a presentation relating to the request for a 380 Economic Development Agreement for 130 Hill Street.

   **A motion was made by Council Member Sheri Almond, seconded by Mayor Pro Tem Sean Hicks, to approve Resolution No. 4406 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, with Edward Kirkwood of Kirkwood Investments, owner of the property located at 130 Hill Street, Building B, Keller, TX 76248 for a City of Keller Façade Improvement Grant, with the following condition:**

   **The grant award amount shall be no greater than 50% of the total cost of eligible project improvements.**

**The motion carried unanimously.**

2. Consider a resolution approving an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow payment into the Tree Reforestation Fund for the Oakbrook Hills Subdivision, a single-family residential subdivision consisting of twenty (20) residential lots, six (6) open space lots, and two (2) hike and bike trail lots, located on approximately 13.346 acres of land, on the southeast corner of the Knox Road and Roanoke Road intersection, and zoned PD-SF-20 (Planned Development-Single Family Residential-20,000 square-foot minimum lot). Silveroak Land Development Co., Owner/Developer. Curtis Young, Sage Group, Inc., Applicant. (TB-21-0001)

   Senior Planner Trish Sinel gave a presentation relating to an appeal to the City of Keller Unified Development Code to allow payment into the Tree Reforestation Fund for the Oakbrook Hills Subdivision.

   **A motion was made by Council Member Ross McMullin, seconded by Council Member Beckie Paquin, to approve Resolution No. 4407 approving an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow payment into the Tree Reforestation Fund for the Oakbrook Hills Subdivision, a single-family residential subdivision consisting of twenty (20) residential lots, six (6) open space lots, and two (2) hike and bike trail lots, located on approximately 13.346 acres of land, on the southeast corner of the Knox Road and Roanoke Road intersection, and zoned PD-SF-20 (Planned Development-Single Family Residential-20,000 square-foot minimum lot). The motion carried unanimously.**

3. PUBLIC HEARING: Consider a resolution approving a Final Plat with variances to Section 8.03 of the Unified Development Code for Lot 1R and Lot 2, Block A, Mills Crossing, being 1.62-acres located on the west side of Davis Blvd, zoned Retail (R), currently addressed as 8705 Davis Blvd. Charles Stark, Applicant; R2G Investments, LTD, Owner. (P-21-0024)

   Senior Planner Trish Sinel gave a presentation relating to a Final Plat with variances for property currently addressed as 8705 Davis Blvd. Mr.Charles Stark, applicant was present to address the City Council.

   **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 Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4408 approving a Final Plat with variances to Section 8.03 of the Unified Development Code for Lot 1R and Lot 2, Block A, Mills Crossing, being 1.62-acres located on the west side of Davis Blvd, zoned Retail (R), currently addressed as 8705 Davis Blvd, with the following three (3) variances and one (1) condition:**

**1. A 15' front setback in lieu of the required 30' front setback shall be allowed.**

**2. A 5,741 square-foot lot area in lieu of the required 33,000 square-foot lot area shall be allowed.**

**3. A lot width of 94.22' in lieu of the 150' lot width requirement shall be allowed.**

**4. A use chart shall be included on the Final Plat with a restriction limiting Lot 2 to telecommunication tower use only.**

**The motion carried unanimously.**

4. PUBLIC HEARING: Consider an ordinance approving two Specific Use Permits (SUPs) for a 1,600 square-foot accessory structure legally described as Lot 1R1, Block A, Jackson Road Addition, being 0.82-acres located on the east side of Jackson Road, zoned Single-Family 36,000 square-foot lots (SF-36), addressed as 1404 Jackson Road. Dale Williamson, applicant/owner. (SUP-21-0025)

Senior Planner Trish Sinel gave a presentation relating to the request for Specific Use Permits (SUPs) at 1404 Jackson Road.

**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 Shannon Dubberly, seconded by Council Member Ross McMullin, to approve Ordinance No. 2033 approving two Specific Use Permits (SUPs) for a 1,600 square-foot accessory structure that exceeds 50% of the size of the main structure. The motion carried unanimously.**

5. Consider a resolution approving a Site Plan with three variances to Section 8.07, 8.08, and 8.13 of the Unified Development Code for Goody Goody Liquor Store, in an approximately 15,742 square-foot building, on 1.41-acres, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, located at 730 South Main Street, legally described as Lot 6R, Block A, Bear Creek Plaza and zoned C (Commercial). Garland All Storage Associates, owner. R.L. Johnson Construction INC., applicant. (SP-21-0010)

Senior Planner Trish Sinel gave a presentation relating to the request for a Site Plan with variances for Goody Goody Liquor Store at 730 S. Main Street.

**A motion was made by Council Member Sheri Almond, seconded by Mayor Pro Tem Sean Hicks, to approve Resolution No. 4409 approving a Site Plan with three variances to Section 8.07, 8.08, and 8.13 of the Unified Development Code for Goody Goody Liquor Store, in an approximately 15,742 square-foot building, on 1.41-acres, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, located at 730 South Main Street, legally described as Lot 6R, Block A, Bear Creek Plaza and zoned C (Commercial), with the following variances and previously approved Specific Use Permit conditions:**

**1. A Variance to Section 8.07 of the Unified Development Code to provide 72 parking spaces (plus three handicapped parking spaces) in lieu of the required 79 parking spaces shall be allowed.**

**2. A Variance to Section 8.08 of the Unified Development Code for five landscape islands smaller than the required 9-foot x 20-foot landscape island size and to waive one landscape island altogether shall be allowed.**

**3. A Variance to Section 8.13 of the Unified Development Code to waive the requirement to screen the loading area shall be allowed.**

**4. The Western Elevation of the structure shall be of 100% masonry construction.**

**5. The "Beer Wine Liquor" sign is to be removed from the structure.**

**6. The "Goody Goody" sign is the only sign to be permitted on the structure and must be located above the doors of the structure.**

**The motion carried by the following vote:**

**AYE: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Mayor Pro Tem Hicks, Council Member Sheri Almond, and Council Member Beckie Paquin.**

**NAY: 1 - Council Member Ross McMullin.**

6. PUBLIC HEARING: Consider a resolution approving a Future Land Use Plan (FLUP) Amendment change from Mixed-Use (MU) to Retail/Commercial (RTC), located on approximately 6.2-acres, legally described as Lot 4 and 5R, Block 1 in the Town Center East Addition, located near the southwest corner of the Rufe Snow Drive and Keller Parkway intersection and addressed as 920 and 940 Keller Parkway (FM 1709). Jim Makens, Grapevine/Wall JV, Applicant/Owner. (LUP-21-0004)

Community Development Director Julie Smith gave a presentation relating to the request for a Future Land Use Plan (FLUP) Amendment change from Mixed-Use (MU) to Retail/Commercial (RTC), at 920 and 940 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 Ross McMullin, 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 Resolution No. 4410 approving a Future Land Use Plan (FLUP) Amendment change from Mixed-Use (MU) to Retail/Commercial (RTC), located on approximately 6.2-acres, legally described as Lot 4 and 5R, Block 1 in the Town Center East Addition, located near the southwest corner of**

**the Rufe Snow Drive and Keller Parkway intersection and addressed as 920 and 940 Keller Parkway (FM 1709). The motion carried unanimously.**

7. PUBLIC HEARING: Consider an ordinance approving a Zoning Change from Town Center (TC) to Retail (R) for two parcels approximately 6.2-acres, legally described as Lot 4 and 5R, Block 1 in the Town Center East Addition, located near the southwest corner of the Rufe Snow Drive and Keller Parkway (FM 1709) intersection and addressed as 920 and 940 Keller Parkway (FM 1709). Jim Makens, Grapevine Wall J/V, Applicant/Owner. (Z-21-0004)

   Community Development Director Julie Smith gave a presentation relating to the request for a Zoning Change from Town Center (TC) to Retail (R) at 920 and 940 Keller Parkway.

   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 Mayor Pro Tem Sean Hicks, seconded by Council Member Ross McMullin, to approve Ordinance No. 2034 approving a Zoning Change from Town Center (TC) to Retail (R) for two parcels approximately 6.2-acres, legally described as Lot 4 and 5R, Block 1 in the Town Center East Addition, located near the southwest corner of the Rufe Snow Drive and Keller Parkway (FM 1709) intersection and addressed as 920 and 940 Keller Parkway (FM 1709). The motion carried unanimously.**

## I. EXECUTIVE SESSION

Executive Session was not held during the regular meeting.

1. **Section 551.087, Texas Government Code - Deliberate the purchase, exchange, lease, or value of real property.**

   **a. Old Town Keller Phase II - Elm Street Improvements Project**

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. City Secretary**

3. **Adjourn into Open Meeting.**

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

## J. ADJOURN

Mayor Armin Mizani adjourned the Regular Meeting and reconvened the Work Session at 8:55 P.M.

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Mayor

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City Secretary