



# City of Keller

## City Council

### Meeting Minutes

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

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Tuesday, October 4, 2022

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#### 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 5:00 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  
Mayor Pro Tem Ross McMullin (arrived at 7:00 P.M.)

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, Director of Administrative Services Aaron Rector, Director of Community Services Cody Maberry, Director of Public Works Alonzo Liñán, Assistant Director of Community Development Sarah Hensley, Director of Human Resources Marcia Reyna, Police Chief Bradley G. Fortune, and Interim Fire Chief Shane Gainer.

##### **B. DISCUSS AND REVIEW AGENDA ITEMS**

The City Council discussed and reviewed the agenda items. City Council discussed pulling Items F-5 and F-8 from the consent agenda to consider separately.

##### **C. EXECUTIVE SESSION**

Mayor Armin Mizani recessed the Pre-Council Meeting at 5:25 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. 541 Keller Parkway**

- 2. Adjourn into Open Meeting.**

Mayor Armin Mizani called the Pre-Council Meeting back to order at 6:05 P.M.

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

No action was taken.

**D. WORK SESSION**

1. [Discuss the Major Thoroughfare Plan and the Impact Fee Program Updates](#)

Director of Public Works Alonzo Liñán and Mr. Jeff Whitacre, Kimley Horn, gave a presentation relating to the Major Thoroughfare Plan and Impact Fee Program.

Mayor Armin Mizani reconvened the Pre-Council Meeting at 9:07 P.M. City Council resumed the discussion on the 2022 Thoroughfare Plan and Impact Fees. Council directed staff to keep the proposed map as presented for the Thoroughfare Plan, and to incorporate a 50%/50% assessment rate for residential and commercial properties in the Impact Fee Program.

2. [Update on Compressed Workweek Trial Period](#)

Director of Human Resources Marcia Reyna gave City Council an update on the compressed work week schedule that began on May 28, 2022. City Council directed to continue the four-day work week.

3. [Discuss a Council Strategic Vision Retreat](#)

City Council directed staff to begin coordinating a Strategic Vision Retreat for early 2023.

4. [Capital Improvement Projects Update](#)

Director of Public Works Alonzo Liñán gave an update on some of the city's Capital Improvements Projects.

**E. ADJOURN**

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:50 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 10:30 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 7:00 P.M.

**B. INVOCATION**

Pastor Estee Valendy, Keller United Methodist Church, gave the invocation.

**C. PLEDGE OF ALLEGIANCE - Cub Scout Pack 4077**

Cub Scout Pack 4077 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. [Presentation of Key to the City](#)

Mayor Armin Mizani presented Congressman Burgess with a Key to the City in recognition of his years of service to the Keller community.

Congressman Burgess thanked the City Council for the partnership and recognition by the City of Keller.

2. [CALEA Re-Accreditation for Law Enforcement and Communications Presentation](#)

Mr. Randy Scott, CALEA Southwest Regional Program Manager, presented the CALEA Re-Accreditation for Law Enforcement and Communications to Chief Bradley G. Fortune, NETCOM Manager Warren Dudley, Accreditation Manager Amanda Baker, and Rene Rodriguez, Support Services Manager.

3. [Certified Accreditation Manager Achievement Presentation](#)

Mr. Randy Scott, CALEA Southwest Regional Program Manager, presented the Certified Accreditation Manager Achievement to Accreditation Manager Amanda Baker. Chief Bradley G. Fortune presented Amanda Baker a Chief's Letter of Commendation for her efforts on the police department accreditation.

#### **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.

Mr. Craig Hill, 628 Rockhurst Trail; and Ms. Angela Walby, 505 Royal Glade Drive expressed their thoughts regarding the proposed 2022 Master Thoroughfare Plan.

#### **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 Chris Whatley, seconded by Council Member Shannon Dubberly, to approve Consent Agenda Items 1-4, 6, 7, 9, and 11-12.; and to consider Items 5, 8, and 10 separately. The motion carried unanimously.**

1. [Consider approval of the Minutes of the Tuesday, September 20, 2022 Regular City Council Meeting.](#)

**Attachments:** [092022 Minutes.pdf](#)

Approved.

2. [Consider a resolution amending Contract No. 20-40 with Community Waste Disposal, of Dallas, Texas; by amending Article 5 - Types of Collection related to residential collection guidelines; and Article 8 - Special Provisions related to the Annual Leaf Collection program; and Exhibit D related to city-sponsored events; and authorizing the City Manager to execute said amendment on behalf of the City of Keller, Texas.](#)

**Attachments:** [100422\\_CWDProposedResolution](#)  
[Item F-2 CWD Amendments Presentation](#)  
[100422 Exhibit D](#)  
[100422 CWD Agreement 2022](#)  
[100422\\_CWD Art 5 & 8 Proposed Language](#)

Resolution No. 4564 approves the proposed amendments to the agreement for Citywide Garbage and Recycling Services with Community Waste Disposal by amending Article 5 - Types of Collection of said contract to change residential collection guidelines from twenty (20) bags per collection for regular collection and twenty (20) bundles for yard waste program to ten (10) bags per collection for regular collection and ten (10) bundles per collection for yard waste program; and Article 8 - Special Provisions to change Annual Leaf Collection guidelines from ten (10) bags of leaves on the first collection day of the week and twenty (20) bags of leaves on the second collection day of the week to ten (10) bags of leaves on the first collection day of the week and ten (10) bags of leaves on second collection day of the week; and to change reference article from Article 4 - Implementation to Article 5 - Types of Collection.

3. [Consider a resolution of the City of Keller, Texas finding that Oncor Electric Delivery Company LLC's \("Oncor" or "Company"\) application to change rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of the resolution to the company and legal counsel.](#)

**Attachments:** [100422\\_Oncor Rate Case Denial Resol](#)

Resolution No. 4565 approves denial of the rates proposed by Oncor to be recovered through its electric rates charged to customers located within the City limits, due to the proposed rates being unreasonable, and that the Company shall continue to charge its existing rates to customers within the City.

4. [Consider an ordinance amending the City of Keller Code of Ordinances Chapter 3 - Animals, Fowl, Insects and Reptiles regarding regulations of dangerous animals; providing a maximum penalty; providing a severability clause; and establishing an effective date.](#)

**Attachments:** [100422 Proposed Ordinance](#)

Ordinance No. 2093 approves amendments to the City of Keller Code of Ordinances Chapter 3 - Animals, Fowl, Insects and Reptiles regarding regulations of dangerous

animals; providing a maximum penalty; providing a severability clause; and establishing an effective date.

5. [Consider a resolution approving a contract with Lagniappe Productions for the Mystery Dinner Theater event at the Keller Senior Activities Center, and authorizing the City Manager to execute all purchase documents related thereto on behalf of the City of Keller.](#)

**Attachments:** [092022\\_LagniappeResolution2022](#)  
[092022\\_LagniappeProductionsAgreementFY23.pdf](#)

Council Member Chris Whatley recused himself from discussion and action on this item.

Mayor Pro Tem Ross McMullin asked Community Services Director Cody Maberry for an overview of the service provided by Lagniappe Productions.

**A motion was made by Council Member Tag Green, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4566 approving the quote for Mystery Dinner Theater from Lagniappe Productions, in the total amount of \$1,750.00; and authorizes the City Manager to execute all documents relating thereto, on behalf of the City of Keller, Texas The motion carried unanimously.**

6. [Consider a resolution approving the purchase of one \(1\) replacement Case Wheel Loader, from Associated Supply Company, Inc., of Euless, Texas, through the Texas Association of School Boards \(TASB\) BuyBoard Cooperative Purchasing Program, and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [100422\\_WheelLoaderReplacement\\_Resolution](#)  
[100422\\_BuyBoardQuote\\_Sept\\_2022](#)

Resolution Np. 4567 approves the purchase of a replacement case wheel loader from Associated Supply Company, Inc., of Euless, Texas through the Texas Association of School Boards (TASB) BuyBoard Purchasing Cooperative in the amount of \$132,500.00; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

7. [Consider a resolution rejecting all bids for the construction of the US 377 Landscape Enhancements Green Ribbon Project, for the Parks and Recreation Department; and authorizing the City Manager to rebid the project on behalf of the City of Keller, Texas.](#)

**Attachments:** [100422\\_US377\\_Green Ribbon Bid Rejection Resolution](#)  
[100422\\_Bid Tabulation\\_2](#)  
[100422\\_Bid Tabulation\\_2a](#)  
[100422\\_TxDOT Recommendation](#)

Resolution No. 4568 rejects all bids proposal for the US 377 Landscape Enhancements Green Ribbon Project, and rebids the project.

8. [Consider a resolution amending the contract with the Keller Farmers Market to conduct a recurring farmers market at Bear Creek Park; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller.](#)

**Attachments:** [100422\\_KFM2023\\_Resolution](#)  
[100422\\_KFMLicenseAgreement\\_Exhibit A](#)

City Council discussed the terms of the proposed amendment. Councilman Green proposed an amendment to approve as is with March 1, 2023 start date but to remove the option to automatically renew to allow the Council to hold further discussion.

**A motion was made by Mayor Armin Mizani, seconded by Council Member Sean Hicks, to approve a resolution amending the contract with the Keller Farmers Market to conduct a recurring farmers market at Bear Creek Park; and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller. The motion failed by the following vote:**

**AYE: 3 - Mayor Armin Mizani, Council Member Sean Hicks, and Council Member Chris Whatley.**

**NAY: 3 - Council Member Jessica Juarez, Council Member Tag Green, and Mayor Pro Tem Ross McMullin.**

**ABSTAIN: 1 - Council Member Shannon Dubberly.**

**A motion was made by Council Member Tag Green, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4569 approving the contract with the Keller Farmers Market to conduct a recurring farmers market at Bear Creek Park; in an amount not to exceed \$5,000.00; with a March 1, 2023 start date; authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller; and removing the option for automatic renewal to allow the Council to hold further discussion. The motion carried by the following vote:**

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

**NAY: 1 - Council Member Sean Hicks.**

9. [Consider a resolution authorizing the use of the Construction Manager-At-Risk Method for the Keller Sports Park Renovation Project, as the best value project delivery method for the City of Keller, other than design-bid-build.](#)

**Attachments:** [100422\\_SportsParkRenovationCMAR\\_Resolution](#)

Resolution No. 4570 approves the Construction Manager-At-Risk Method as the best value for the Keller Sports Park Renovation Project.

10. [Consider a resolution approving the revised Operating Fee Schedule for the Keller Pointe, for the Parks and Recreation Department, to include an approximate four percent \(4%\) increase to all membership fees with the exception of daily fees effective the beginning of the calendar year 2023 and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [100422\\_TKP\\_MembershipIncrease\\_ProposedResolution](#)  
[100422\\_TKP\\_Operating Fee Schedule Exhibit A](#)

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green, to approve Resolution No. 4571 approving the revised Operating Fee Schedule for the Keller Pointe, for the Parks and Recreation Department, to include an approximate four percent (4%) increase to all membership fees with the exception of daily fees effective the beginning of the calendar year 2023 and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas. The motion carried by the following vote:

**AYE:** 4 - Mayor Armin Mizani, Council Member Jessica Juarez, Council Member Tag Green, and Council Member Chris Whatley.

**NAY:** 3 - Council Member Shannon Dubberly, Council Member Sean Hicks, and Mayor Pro Tem Ross McMullin.

11. [Consider a resolution approving a professional services agreement with Hardin & Associates Consulting, LLC for the purpose of providing the annual state-mandated customer service inspections and related services for private water systems for a one \(1\) year period with four \(4\) additional one \(1\) year renewal periods, not to exceed five \(5\) years; and authorizing the City manager to execute all documents related thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [100422\\_CSIInspections\\_ProposedResolution](#)  
[100422\\_CSIInspections\\_StaffAttachment](#)

Resolution No. 4572 approves an Agreement with Hardin & Associates Consulting, LLC of Carrollton, Texas, for the purpose of completing state-mandated customer service inspections and related services for private water systems; in the amount of \$100,000.00, and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

12. [Consider a resolution approving a construction contract with O&J Coatings, Inc. of Hurst, Texas; for the Rehabilitation of the Pearson Ground Storage Tank #1 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:** [100422\\_PearsonGSTRehab\\_ProposedResolution](#)  
[100422\\_PearsonGSTRehab\\_BidSummary](#)

Resolution No. 4573 approves the bid for Rehabilitation of the Pearson Ground Storage Tank #1 Project, from O&J Coatings, Inc. of Hurst, Texas for the Public Works Department, in the amount of \$1,795,363.00; 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. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Sit Means Sit, a dog-training facility with no overnight boarding, to operate in an existing 2,090 square-foot lease space, within an 8,082 square-foot multi-tenant building, approximately 990 feet northwest from the intersection of Cindy Street and Keller Parkway, legally described as Lot 2, Block 11R of the Samuel Needham Addition, zoned Retail \(R\) and addressed as 363 Keller Parkway, Suite A. ABV Training DBA Sit Means Sit Fort Worth, Applicant. Haeju Investments, LLC, Owner. \(SUP-22-0031\)](#)

**Attachments:** [100422 Sit Means Sit SUP ORDINANCE](#)  
[100422 Sit Means Sit SUP MAPS.pdf](#)  
[100422 Sit Means Sit SUP Application.pdf](#)  
[100422 Sit Means Sit SUP Staff Attachment A.pdf](#)  
[100422 Sit Means Sit SUP Staff Attachment B.pdf](#)  
[100422 SMS Business Plan FINAL](#)  
[Item H1 - Sit Means Sit SUP](#)

Planner Amber Washington gave a presentation relating to the request for a Specific Use Permit (SUP) for Sit Means Sit, a dog-training facility with no overnight boarding, at 363 Keller Parkway, Suite A.

Mayor Armin Mizani opened the Public Hearing.

Judge Alex Kim, property owner, spoke in favor of the requested SUP. He said he selected this occupant because he felt their business aligned with his own family values and the Council's vision for the community.

Stephanie Putnam, Sit Means Sit owner, expressed her enthusiasm for coming to Keller.

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

**A motion was made by Council Member Sean Hicks, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2094 approving a Specific Use Permit (SUP) for Sit Means Sit, a dog-training facility with no overnight boarding to operate in an existing 2,090 square-foot lease space, within an 8,082 square-foot multi-tenant building, approximately 990 feet northwest from the intersection of Cindy Street and Keller Parkway, legally described as Lot 2, Block 11R of the Samuel Needham Addition, zoned Retail (R), and addressed as 363 Keller Parkway, Suite A as if fully set forth with the following condition:**

1. **A Specific Use Permit to operate a dog-training facility with no overnight boarding at 363 Keller Parkway, Suite A, with the hours of operation being 8 AM to 8 PM on Monday through Friday and 9 AM to 8 PM on Saturday, shall be allowed.**



**The motion carried unanimously.**

2. [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 Four - Development Procedures and Requirements for Application Submittals, Section 4.10 - Replats, to mirror the Texas Local Government Code process for replatting; providing penalties; authorizing publication; and establishing an effective date. \(UDC-22-0007\)](#)

**Attachments:** [100422 UDC Replat Process ORDINANCE](#)  
[100422 UDC Amend Replat Process Exhibit A](#)  
[Item H2 - UDC Amendment Replat PH Process](#)  
[100422 UDC Amend Replat Process Staff Attachment \(Redline\)](#)

Planner Amber Washington gave a presentation on the proposed amendments to the Unified Development Code related to replatting.

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

**A motion was made by Council Member Sean Hicks, 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 Sean Hicks, to approve Ordinance No. 2095 approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Four - Development Procedures and Requirements for Application Submittals, Section 4.10 - Replats, to mirror the Texas Local Government Code process for replatting; providing penalties; authorizing publication; and establishing an effective date. (UDC-22-0007) The motion carried unanimously.**

3. [Consider a resolution approving an Agreement for Professional Services with Kimley-Horn of Denton, Texas; to provide engineering services for the Mt. Gilead Road 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:** [100422 Mt.GileadReconEngineering ProposedResolution](#)  
[100422 Mt.GileadReconEngineering ExhibitA](#)

Director of Public Works Alonzo Liñán, and Mrs. Samantha Fries, Kimley-Horn, gave a presentation on the proposed Agreement for Professional Services with Kimley-Horn for engineering services for the Mt. Gilead Reconstruction Project.

City Council held discussion on the project detail, and scope and timeline of services included in the proposed design agreement, as well as the timing of public feedback.

**A motion was made by Council Member Sean Hicks, seconded by Council Member Tag Green, to an Agreement for Professional Services with Kimley-Horn of Denton, Texas; to provide engineering services for the Mt. Gilead Road**

**Reconstruction Project for the Public Works Department. The motion failed by the following vote:**

**AYE: 3 - Council Member Shannon Dubberly, Council Member Sean Hicks, and Council Member Tag Green**

**NAY: 4 - Mayor Armin Mizani, Council Member Jessica Juarez, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin.**

**I. EXECUTIVE SESSION**

Executive Session was not held during the Regular Meeting.

- 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. 541 Keller Parkway**

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

**J. ADJOURN**

Mayor Armin Mizani adjourned the Regular Meeting at 9:01 P.M. and reconvened the Work Session at 9:07 P.M.

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Mayor

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City Secretary