



**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 20, 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 5:02 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 (arrived at 6:55 P.M.)  
Mayor Pro Tem 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 Services Cody Maberry, 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.

**C. EXECUTIVE SESSION**

Mayor Armin Mizani recessed the Pre-Council Meeting at 5:53 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: City Secretary**
- 2. Adjourn into Open Meeting.**

Mayor Armin Mizani reconvened the Pre-Council Meeting at 6:15 P.M.

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

Action was not taken during the Pre-Council Meeting.

## D. WORK SESSION

1. [Receive an update on the South Elm Street design project.](#)

**Attachments:** [092022 S. Elm St. Work Session Presentation](#)

Director of Public Works Alonzo Liñán and Mrs. Sam Fries, Kimley Horn, gave a presentation relating to the South Elm Street design project. The City Council directed City staff to begin the design process with the bridge with brick façade, planter bed enhancement, and shade enhancement. The total construction cost is projected to be ~3,000,000.

The City Council also directed staff to move forward with the Tri-County poles for street lighting.

2. [Discuss proposed City of Keller Code of Ordinance amendments related to dangerous dogs.](#)

**Attachments:** [092022 dangerous dog ordinance](#)

[092022 dangerous dog ordinance redline](#)

[Work Session - Dangerous Dog Ordinance Presentation](#)

Police Chief Bradley G. Fortune gave a presentation relating to proposed amendments to the Dangerous Dog Ordinance.

The City Council directed staff to bring the proposed ordinance to the October 4, 2022 Regular City Council Meeting for action.

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

The City Council discussed updates from the Boards and Commission.

## E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:55 P.M.

### **REGULAR MEETING 7:00 P.M.**

#### **A. CALL TO ORDER – Mayor Armin R. Mizani**

Mayor Armin Mizani called the Regular City Council Meeting to order at 7:02 P.M.

#### **B. INVOCATION**

Council Member Tag Green 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. [Proclamation recognizing September 15, 2022 - October 15, 2022 as Hispanic Heritage Month.](#)

**Attachments:** [092022 Proclamation National Hispanic Heritage Month.pdf](#)

Mayor Armin Mizani announced that he will be presenting the Proclamation for Hispanic Heritage Month at the Kick It In Keller event: Hispanic Heritage Month Celebration, "A Night Under The Stars", and introduced Ashley Hernandez, Kick it in Keller. Ms. Hernandez stated that the event will take place on Friday, September 30, 2022 at 6:00 P.M., at Bear Creek Park, and will showcase local businesses and community members that will share about their culture and heritage through food, crafts, music, and more.

#### **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. William Mohr, 1228 Johnson Road, expressed his support of the Johnson Road Reconstruction Project.

Mr. Philip Roais, attorney for Ms. Nicole Davis-Owens, 1433 Latigo Lane, expressed his concerns with trespassing, and four trees that have been trimmed, injured, or killed on his clients property due to the Johnson Road utility poles.

Mr. Tim Moser, 309 LaQuinta Circle North, expressed his support of the Noise Ordinance, and satisfaction of the Keller Citizens Academy program.

Ms. Debbie Wolfe, 1285 Mount Gilead Road, expressed her concerns with the removal of a Keller Public Library "Banned Books Week" post.

Mr. Patrick Moore, 740 East Hill Street, expressed his support of the Pate Orr Sidewalk Improvements Project.

Ms. Cindie Stewart, 1535 and 1545 Nightingale Circle, expressed her concerns with the expansion of Florence Road.

#### **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 Tag Green, seconded by Council Member Shannon Dubberly, to approve the Consent Agenda Items F1 - F4 and F6 - F8, and to consider Item F5 separately. The motion carried unanimously.**

1. [Consider approval of the Minutes of the Thursday, August 11, 2022 Joint Meeting of the City Council, Keller Development Corporation, and the Parks and Recreation Board.](#)

**Attachments:** [081122 Minutes Joint Mtg](#)

Approved.

2. [Consider approval of the Minutes of the Tuesday, September 6, 2022 Regular City Council Meeting.](#)

**Attachments:** [090622 Minutes.pdf](#)

Approved.

3. [Consider a resolution approving a professional services agreement with Teague, Nall and Perkins, of Fort Worth, Texas, to provide engineering services for the Bear Creek Parkway Bridge Erosion Protection 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:** [092022 BCPBridgeRepair ProposedResolution](#)  
[092022\\_BCPBridgeRepair\\_ExhibitA](#)  
[092022 BCPBridgeRepair ProjectMap](#)

Resolution No. 4557 approves an agreement with Teague, Nall and Perkins of Fort Worth, Texas to provide engineering services relating to the Bear Creek Parkway Bridge Erosion Protection Project, in the amount of \$228,150.00, in accordance with the terms and conditions set forth in said Agreement for Professional Services; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

4. [Consider a resolution approving a development agreement with GS-PG Keller Center Stage Owner, LLC of Irving, Texas; for the construction of an off-site sanitary sewer line 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:** [092022 CenterStageDA ProposedResolution](#)  
[092022\\_CenterStageDA\\_StaffAttachment](#)  
[092022\\_CenterStageDA ProjectMap](#)

Resolution No. 4558 approves a development agreement with GS-PG Keller Center Stage Owner, LLC of Irving, Texas for construction of an off-site sanitary sewer line, in the amount of \$1,895,842.12; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

5. [Consider a resolution approving a construction contract with McClendon Construction Company, Inc. of Burleson, Texas; for the Johnson 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:** [092022\\_JohnsonReconstruction\\_ProposedResolution](#)  
[092022\\_JohnsonReconstruction\\_BidSummary](#)  
[092022\\_JohnsonReconstruction\\_ProjectMap](#)

This item was pulled from the Consent Agenda and considered separately.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4559 approving a construction contract with McClendon Construction Company, Inc. of Burleson, Texas; in the amount of \$7,242,914.11; for the Johnson 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. The motion carried unanimously.**

6. [Consider a resolution approving a construction contract with Green Dream International, LLC of Irving, Texas; for the Pate Orr Sidewalk Improvements 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:** [092022\\_PateOrrSidewalk\\_ProposedResolution](#)  
[092022\\_PateOrrSidewalk\\_ProjectMap](#)  
[092022\\_PateOrrSidewalk\\_BidSummary](#)

Resolution No. 4560 approves the bid for the Pate Orr Sidewalk Improvements Project, from Green Dream International, LLC of Irving, Texas for the Public Works Department, in the amount of \$646,024.80; 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 a construction estimate from Union Pacific Railroad of Omaha, Nebraska; for the Bear Creek Parkway Sidewalk Improvements 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:** [092022\\_UPRRBearCreek\\_ProposedResolution](#)  
[092022\\_UPRRBearCreek\\_StaffAttachment](#)  
[092022\\_UPRRBearCreek\\_ProjectMap](#)

Resolution No. 4561 approves the construction estimate for the Bear Creek Parkway Sidewalk Improvements Project, from Union Pacific Railroad of Omaha, Nebraska, for the Public Works Department, in the amount of \$61,948.00; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

8. [Consider a resolution approving a construction estimate from Union Pacific Railroad of Omaha, Nebraska; for the Golden Triangle Boulevard Sidewalk Improvements 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:** [092022\\_UPRRGoldenTriangle\\_ProposedResolution](#)  
[092022\\_UPRRGoldenTriangle\\_StaffAttachment](#)  
[092022\\_UPRRGoldenTriangle\\_ProjectMap](#)

Resolution No. 4562 approves the construction estimate for the Golden Triangle Boulevard Sidewalk Improvements Project from Union Pacific Railroad of Omaha, Nebraska, for the Public Works Department, in the amount of \$74,302.00; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

## G. OLD BUSINESS

1. [Consider an ordinance approving an amendment to the City of Keller Code of Ordinances Chapter 10 - Miscellaneous Provisions by amending Article VIII - Noise Ordinance; providing a repealing clause; providing a maximum penalty of \\$200.00; providing a severability clause; and establishing an effective date.](#)

**Attachments:** [092022\\_Noise Ordinance ORDINANCE](#)  
[092022\\_Noise Ordinance Exhibit A REDLINE](#)  
[092022\\_Noise Ordinance Exhibit A CLEAN](#)  
[Item G1 Old Bus - Noise Ordinance Presentation](#)

Assistant Director of Community Development Sarah Hensley gave a presentation relating to the proposed amendments to the Noise Ordinance. Mrs. Hensley listed the following proposed times for the Noise Ordinances:

Monday: Between 10:00 a.m. to 10:00 p.m.

Tuesday: Between 10:00 a.m. to 10:00 p.m.

Wednesday: Between 10:00 a.m. to 10:00 p.m.

Thursday: Between 10:00 a.m. to 12:00 a.m. the following Friday morning

Friday: Between 10:00 a.m. to 12:00 a.m. the following Saturday morning

Saturday: Between 10:00 a.m. to 12:00 a.m. the following Sunday morning

Sunday: Between 10:00 a.m. to 11:00 p.m.

**A motion was made by Mayor Armin Mizani, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2088 approving an amendment to the City of Keller Code of Ordinances Chapter 10 - Miscellaneous Provisions by amending Article VIII - Noise Ordinance; providing a repealing clause; providing a maximum penalty of \$200.00; providing a severability clause; and establishing an effective date. The motion carried unanimously.**

2. [PUBLIC HEARING: Consider a resolution approving an amendment to the Future Land Use Plan \(FLUP\) from Low-Density Single Family \(LD-SF\) to Retail/Commercial \(RTC\), for approximately 3.52 acres, legally described as Tract 1D01B of the John Martin Survey, Abstract 1153 \(account # 42818999\), and a portion of Lot 7, Block 1, Pearson Crossing, and addressed as 1816 Johnson Road and 1908 Pearson Crossing. Ed Ruibal, Landscape Systems, Applicant/Owner; Don Dinger, Owner. \(LUP-22-0001\)](#)

**Attachments:** [092022\\_Landscape Systems FLUP\\_Resolution.docx](#)  
[092022\\_Landscape Systems FLUP Amend Maps](#)  
[092022\\_Landscape Systems FLUP Amend Staff Attachment - Application and Information.pdf](#)

Assistant Director of Community Development Sarah Hensley announced that the applicant is now prepared to present his proposals to the Planning and Zoning Commission in October, 2022, and will be ready to present the proposals to the City Council at the November 1, 2022 Regular City Council Meeting for consideration.

**A motion was made by Council Member Shannon Dubberly, seconded by Council Member Jessica Juarez, to continue the Public Hearing and Table the agenda item to the November 1, 2022 Regular City Council Meeting. The motion carried unanimously.**

## H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Maui Health Spa to operate a spa with massage in an existing 2,240 square-foot lease space, within a 4,325 square-foot multi-tenant building, at the intersection of Davis Boulevard and Bear Creek Parkway, legally described as Lot 3, Block A of Hidden Lakes Center addition \(Erroneously listed on the Tarrant Appraisal District website as Lot 2 50% of Common Area, Hidden Lakes Condo addition. Account #: 41197127\), zoned Commercial \(C\) and addressed as 8845 Davis Boulevard, Suite 150. David Campbell, Applicant. GFP Keller Property, LLC, Owner. \(SUP-22-0030\)](#)

**Attachments:** [092022 Maui Health Spa SUP Ordinance.docx](#)  
[092022 Maui Health Spa SUP Application](#)  
[092022 Maui Health Spa SUP Staff Attachment - Applicant Business Plan](#)  
[092022 Maui Health Spa SUP Staff Attachment - Building Layout](#)  
[092022 Maui Health Spa Maps](#)  
[092022 Maui Health Spa SUP Opposition](#)  
[Item H-1 Maui Health Spa Presentation](#)

Assistant Director of Community Development Sarah Hensley gave a presentation relating to the request for a Specific Use Permit (SUP) for Maui Health Spa to operate a spa with massage at 8845 Davis Boulevard, Suite 150.

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

Mr. David Campbell, Applicant, addressed the City Council regarding the proposal.

Discussion was held by the City Council focused on the spa use and available parking.

**A motion was made by Mayor Armin Mizani, seconded by Mayor Pro Tem Ross McMullin, to close the public hearing. The motion carried unanimously.**

**A motion was made by Council Member Tag Green, seconded by Mayor Armin Mizani, to deny the request for a Specific Use Permit (SUP) for Maui Health Spa to**

operate a spa with massage at 8845 Davis Boulevard, Suite 150. The motion carried by the following vote:

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

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

2. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to allow a drive-thru for Black Rock Coffee to occupy a 2,077 square-foot lease space, within a proposed 5,730 square-foot multi-tenant building, located on the east side of North Main Street, situated at the Ridge Point Parkway and North Main Street intersection, on approximately 1.18 acres, legally described as Lot 1, Block A of the Center Stage Addition, zoned Planned Development - Commercial \(PD-C\), and addressed at 1600 North Main Street. Jimmy Archie, Reality Capital Management, LLC., Owner/Applicant. \(SUP-22-0028\)](#)

**Attachments:** [092022 Black Rock Coffee SUP Ordinance](#)  
[092022 Black Rock Coffee SUP Maps](#)  
[092022 Black Rock Coffee SUP Staff Attachment A](#)  
[092022 Black Rock Coffee SUP Staff Attachment B - HOA Letters](#)  
[Item H-2 Black Rock Coffee Presentation](#)

Ms. Katasha Smithers, City Planner, gave a presentation relating to the request for a Specific Use Permit (SUP) to allow a drive-thru for Black Rock Coffee at 1600 North Main Street.

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

Mr. Sam Pam, Reality Capital Management, LLC., addressed the City Council regarding the proposal.

**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 Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2089 approving a drive-thru for Black Rock Coffee to occupy a 2,077 square-foot lease space, within a proposed 5,730 square-foot multi-tenant building, located on the east side of North Main Street, situated at the Ridge Point Parkway and North Main Street intersection, on approximately 1.18 acres, legally described as Lot 1, Block A of the Center Stage Addition, zoned Planned Development - Commercial (PD-C), and addressed at 1600 North Main Street as if fully set forth with the following condition:**

1. **A Specific Use Permit to allow a drive-thru coffee shop at 1600 North Main**



Street, with the hours of operation being 5 AM to 9 PM Sunday through Saturday, shall be allowed.

The motion carried unanimously.

3. [PUBLIC HEARING: Consider a resolution replacing the 2012 Major Thoroughfare Plan with the 2022 Major Thoroughfare Plan.](#)

**Attachments:** [Item H-3 Major Thoroughfare Plan Update Presentation](#)  
[Item H-3 & 4 Public Comments Summary](#)

Director of Public Works Alonzo Linan gave a presentation relating to a summary of recent comments from the public regarding the Master Thoroughfare Plan.

Mr. Jeff Whitacre, Kimley Horn, gave a presentation relating to the Master Thoroughfare Plan recommendations.

Mayor Armin Mizani opened the Public Hearing.

Mr. Craig Carson, 756 Bandit Trail, requested to remove the designation of two-way collector from Bandit Trail in order to not encourage more traffic on Bandit Trail.

The following individuals expressed opposition to widening Keller Smithfield Road: Ms. Brittany Scott, 244 Bear Hollow; Ms. Michelle Cline, 836 Keller Smithfield Road South; Ms. Julie Palmer, 1401 Bear Run; Ms. Cheryl Carter, 1542 Spanish Bay; and Ms. Pam Turner, 1116 Keller Smithfield Road South.

Ms. Candace Smith, expressed opposition to the proposed Florence Road expansion.

Mr. Edward Prem, 1220 Verona Way, expressed opposition to the proposed Rufe Snow Drive expansion.

Ms. Jane Mayeux, 1416 Jackson Road, stated questions relating to the Mount Gilead Road expansion and the bar ditches that would be affected by that expansion.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to close the public hearing.**

4. [PUBLIC HEARING: Consider a resolution replacing the 2015 Impact Fee Study with the 2021 Impact Fee Study that establishes new maximum service unit rates for Water, Wastewater and Roadway impact fees.](#)

**Attachments:** [Item H-4 Keller-Impact Fee Update Presentation](#)  
[Item H-3 & 4 Public Comments Summary](#)

Director of Public Works Alonzo Linan gave a presentation relating to a summary of recent comments from the public regarding the amendments to Impact Fees.

Mr. Jeff Whitacre, Kimley Horn, gave a presentation relating to recommended changes to the Impact Fees.

Mayor Armin Mizani opened the Public Hearing.

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

A speaker was skipped, therefore the City Council opened the Public Hearing again to hear the speaker's comments.

**A motion was made by Council Member Tag Green, seconded by Council Member Shannon Dubberly, to reopen the public hearing. The motion carried unanimously.**

Mr. Mike Garabedian, 1717 Buckingham Drive, expressed his concerns with the proposed impact fees, and requested the City Council to not adopt the 100% assessment on fees, stating that the 100% assessment on fees would be a hindrance to affordable housing and being "family friendly".

**A motion was made by Council Member Tag Green, seconded by Council Member Shannon Dubberly, to close the public hearing.**

5. [Consider an ordinance approving an amendment to the City of Keller Code of Ordinances Chapter 4 - Buildings, by replacing Article IV in its entirety regarding the regulation of substandard structures; providing a repealing clause; providing a maximum penalty of \\$2,000.00; providing a severability clause; and establishing an effective date.](#)

**Attachments:** [092022 Substandard Buildings Ordinance](#)  
[Item H-5 Substandard Buildings Presentation](#)

Assistant Director of Community Development Sarah Hensley gave a presentation relating to amendments to the City of Keller Code of Ordinances regarding the regulation of substandard structures.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to table the amendment to the City of Keller Code of Ordinances Chapter 4 - Buildings, relating to substandard structures; to the November 1, 2022 Regular City Council Meeting. 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.**

6. [PUBLIC HEARING: Consider an ordinance approving certain amendments to the Fiscal Year 2021-22 Annual Operating Budget for the City of Keller, Texas, in accordance with Article VIII, Section 8.13, of the Keller City Charter.](#)

**Attachments:** [092022 FY 22 Budget Amend Ordinance](#)  
[Item H-6 Budget Amendment Presentation](#)

Director of Administrative Services Aaron Rector gave a presentation relating to below

proposed amendments to the Fiscal Year 2021-22 Annual Operating Budget and the Fiscal Year 2021-22 Capital Improvements Program:

General Fund (100) proposed amendments (Total Increase \$-)

\$75,000 - To be transferred to the Keller Self Insurance Fund based upon available salary savings at the end of the fiscal year.

Keller Development Corporation (110) proposed amendments (Total Increase \$16,260):

\$16,260 - Increase in expenditures related to geotechnical services at Johnson Road and Northeast Parks.

Keller Pointe (125) proposed amendments (Total Increase \$474,231):

\$474,231 - Increase in expenditures related to indoor pool deck replacement.

Keller Self Insurance Fund (129) proposed amendments (Total Increase Up To \$125,000):

\$125,000 - Increase in revenue related to a transfer-in from the General Fund and Water-Wastewater Utility Fund based upon available actual salary savings at the end of the fiscal year.

Vehicle and Equipment Replacement Fund (175) proposed amendments (Total Increase \$ 248,304):

\$248,304 - Increase in expenditures related to April 2021 hail damage repairs to various vehicles.

Facility Replacement Fund (179) proposed amendments (Total Increase \$549,044):

\$422,723 - Increase in revenue related to insurance reimbursement for April 2021 hail damage to various City facilities, property, and equipment.

\$549,044 - Increase in expenditures related to hail damage repairs to various City facilities, properties, and equipment.

Water-Wastewater Utility Fund (200) proposed amendments (Total Increase \$222,195):

\$222,195 - Increase in expenditures related to emergency water line repairs.

\$50,000 - To be transferred to the Keller Self Insurance Fund based upon available salary savings at the end of the fiscal year.

**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.**

**A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2090 approving certain amendments to the Fiscal Year 2021-22 Annual Operating Budget and the Fiscal Year 2021-22 Capital Improvements Program, in accordance with Article VIII, Section 8.13, of the Keller City Charter. The motion carried unanimously.**

7. [PUBLIC HEARING: Consider an ordinance adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023, including the 2022-23 Capital Improvements Program, and adopting the Fiscal Year](#)

[2022-23 Fee Schedule for the City of Keller, Texas.](#)

Attachments: [092022\\_BudgetAdopt\\_Ordinance](#)  
[092022\\_FY23FeeSchedule](#)  
[Items H-7 - H-9 Budget and Tax Rate Presentation](#)

Director of Administrative Services Aaron Rector gave a presentation relating to the official budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023, including the 2022-23 Capital Improvements Program. Mr. Rector highlighted the following essential points for the FY 2022-23 Budget:

- An operationally balanced budget that meets City Council goals and directions (Strategic Goal 3.1)
- Proposing Tax Rate under "No New Revenue" Rate (3.3)
- Total GF Personnel net increase under 4% (5.3)
- Continued investment in streets and sidewalk infrastructure = \$17.2M (4.1, 4.2)
- Old Town/Elm Street Debt (2.1)
- First Year of TIRZ#2 Fund (2.4, 4.5)
- Green Ribbon Grant (2.4)
- Northeast Park Concept Plan (1.7)
- Detective and SRO Officer (cost split with KISD) = \$179,837 (1.3)
- Rate adjustments to City water of 3.75% & wastewater of 7% (3.1)
- EPA Lead & Copper Rule program implementation (3.4)
- Development Software purchase = \$500K (5.1)
- Maintains All Replacement Funding (3.4)

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

Mayor Pro Tem Ross McMullin stated that he would like to increase the amount that is provided to the Keller Area Jazz Orchestra from \$5,000 to \$10,000.

Mr. McMullin also proposed amending the City's Financial Policy to include the phrase: "the City shall consider a refund check to the tax payers" if the City is above the 50% threshold of the Fund Balance.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to adopting the annual budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023, including the 2022-23 Capital Improvements Program, and adopting the Fiscal Year 2022-23 Fee Schedule, with the following amendment:**

**To amend the Financial Policy to read:**

**The General Fund shall have a maximum fund balance of 50%, excluding non-reserve assignments and commitments. When the amount is exceeded, the City shall consider a refund check to the tax payers, identify one-time expenditures for which to use the funds for, consider tax rate changes, and/or review non-tax revenue rates to ensure no unnecessary over collection of**

revenues.

The motion failed by the following vote:

**AYE: 2 - Council Member Shannon Dubberly, and Mayor Pro Tem Ross McMullin.**

**NAY: 5 - Mayor Armin Mizani, Council Member Sean Hicks, Council Member Jessica Juarez, Council Member Tag Green, and Council Member Chris Whatley.**

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, to approve Ordinance No. 2091 adopting the official budget for the City of Keller, Texas, for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023, including the 2022-23 Capital Improvements Program be hereby adopted by the City Council of the City of Keller, Texas, and the City Secretary is directed to keep and maintain a copy of such official budget on file in the office of the City Secretary, available for inspection by citizens and the general public. The motion carried unanimously.

- 8. [Consider a resolution ratifying the tax revenue for the Tax Year 2022 \(Fiscal Year 2022-23\) for the City of Keller, Texas.](#)

**Attachments:** [092022\\_TaxRatification\\_Resolution](#)  
[Items H-7 - H-9 Budget and Tax Rate Presentation](#)

Director of Administrative Services Aaron Rector gave a presentation relating to the tax revenue for the Tax Year 2022 (Fiscal Year 2022-23).

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Chris Whatley, to approve Resolution No. 4563 ratifying the 2022 (Fiscal Year 2022-23) property tax revenue as reflected in the adopted budget for Fiscal Year 2022-23 for the City of Keller, Texas, as follows:

General Fund (Maintenance & Operations)----	\$20,121,238
Debt Service Fund-----	\$3,744,305
TIRZ Fund-----	\$30,436
<b>TOTAL-----</b>	<b>\$23,895,979</b>

The motion carried unanimously.

- 9. [Consider an ordinance levying taxes to be assessed on all taxable properties within the city limits of the City of Keller, Texas for the Tax Year 2022 \(Fiscal Year 2022-23\).](#)

**Attachments:** [092022\\_TaxRateAdopt\\_Ordinance](#)  
[Items H-7 - H-9 Budget and Tax Rate Presentation](#)

Director of Administrative Services Aaron Rector gave a presentation relating to levying taxes that are to be assessed on all taxable properties within the city limits for the Tax Year 2022 (Fiscal Year 2022-23).

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro

Tem Ross McMullin, to approve Ordinance No. 2092 levying following taxes on each One Hundred Dollars (\$100.00), of taxable valuation on all taxable property within the city limits of the City of Keller, Texas, to be assessed and collected by the Tax Assessor/Collector for the tax year 2022 (Fiscal Year 2022-23):

a. For the General Fund Maintenance and Operations levied on the \$100.00 of taxable valuation: \$0.299234

b. For the Interest and Sinking Fund levied on the \$100.00 of taxable valuation: \$0.055266

TOTAL TAX RATE: \$0.354500

The motion carried unanimously.

**I. EXECUTIVE SESSION**

The City Council did not conduct an Executive Session 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: City Secretary
2. Adjourn into Open Meeting.
3. Action on Executive Session Item 1 if necessary.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve the Employee Agreement for the City Secretary. The motion carried unanimously.

**J. ADJOURN**

The City Council Meeting was adjourned at 11:16 P.M.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary