



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 5, 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 5:05 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Council Member Sean Hicks (arrived at 5:09 P.M.)
Council Member Jessica Juarez
Council Member Tag Green
Council Member Chris Whatley (arrived at 5:31 P.M.)
Mayor Pro Tem Ross McMullin (arrived at 5:07 P.M.)

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 Linan, Director of Community Development Sarah Hensley, Director of Human Resources Marcia Reyna, Director of Economic Development Mary Culver, Police Chief Bradley G. Fortune, and Fire Chief Bobby Tatum Jr.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION - None

D. WORK SESSION

1. [Pate Orr Sidewalk Discussion](#)

Director of Public Works Alonzo Liñán gave a presentation relating to the Pate Orr Sidewalk project.

2. [Sports Park Materials Storage Discussion](#)

Director of Public Works Alonzo Liñán gave a presentation relating to Materials Storage while the Keller Sports Park project takes place.

3. [Discuss Medical and Spa-related uses, and allowed uses in the Town Center Zoning District](#)

Community Development Director Sarah Hensley, Planning Consultant Iván Gonzalez, and Economic Development Director Mary Culver gave a presentation relating to Medical and Spa-related uses, and allowed uses in the Town Center Zoning District. The City Council directed staff to bring the Town Center and Town Center Medical use charts to the City Council Work Session on September 19, 2023 for a discussion on the vision for the area.

4. [Capital Improvement Projects Update](#)

No updates were given.

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

Council Member Shannon Dubberly and Council Member Jessica Juarez discussed recommendations for action items for the Senior Citizens Advisory Board. The City Council Members agreed to forward their recommendations to staff for feedback and potential forwarding to the Board.

City Secretary Kelly Ballard gave an update on the 2023 Boards and Commissions appointments schedule.

E. ADJOURN

Mayor Armin Mizani adjourned the Pre-Council Meeting at 6:57 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

B. INVOCATION

Chaplain Brian Hamlin, City of Keller, 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. [Recognition of Miss Texas, Ellie Breaux](#)

Mayor Armin Mizani presented a plaque to Miss Ellie Breaux in recognition of her recently being crowned Miss Texas.

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 Mayor Pro Tem Ross McMullin, seconded by Council Member Chris Whatley, to approve the Consent Agenda. The motion carried by the following vote:

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

NAY: 1 - Council Member Tag Green.

1. [Consider approval of the Minutes of the Tuesday, August 15, 2023 Regular City Council Meeting.](#)

Approved

2. [Consider approval of the Minutes of the Tuesday, August 29, 2023 City Council Budget Work Session.](#)

Approved

3. [Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee \("ACSC"\) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 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 attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance 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 ordinance to the company and the ACSC's legal counsel.](#)

Ordinance No. 2134 approves a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 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 attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance 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 ordinance to the company and the ACSC's legal counsel.

4. [Consider a resolution approving the purchase and installation of a replacement playground structure for the Parks at Town Center, from The Playground, Shade and Surfacing Depot, LLC., of Keller, Texas, through the Texas Association of School Boards \(TASB\) BuyBoard Cooperative Purchasing Program, 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. 4690 approves the purchase and installation of a replacement playground from The Playground, Shade and Surfacing Depot, LLC., of Keller, Texas through the Texas Association of School Boards (TASB) BuyBoard Purchasing Cooperative in the amount of \$149,417.00; and further authorizes the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.

5. [Consider a resolution approving the proposal for third-party plan review services from Code Solutions, Inc., of Bridgeport, Texas, relating to as-needed commercial and residential building plan reviews; and authorizing the City Manager to execute all related contract documents on behalf of the City of Keller, Texas.](#)

Resolution No. 4691 approves a Proposal for Third-Party Plan Review Services with Code Solutions, Inc., of Bridgeport, Texas, relating to as-needed third-party construction and building plan reviews; and further authorizes the City Manager to execute all contract documents on behalf of the City of Keller, Texas.

6. [Consider a resolution terminating the contract approved by Resolution No. 4649 on May 2, 2023 with Apple Pavement Services, of Dallas, Texas, and authorizing the City Manager to provide the seven \(7\) day written notice per sections 15.02.A.1 and 15.02.B of the contract documents.](#)

Resolution No. 4692 hereby terminates the contract with Apple Pavement Services of Dallas, Texas approved by Resolution No. 4649 on May 2, 2023.

7. [Consider a resolution approving a construction contract with Tex-Pro Construction of Fort Worth, 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.](#)

Resolution No. 4693 approves the bid for the Pate Orr Sidewalk Improvements Project, from Tex-Pro Construction of Fort Worth, Texas for the Public Works Department, in the amount of \$955,274.00; 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 adopting the 2023 City of Keller Financial Management, Investment, Purchasing, and Fund Balance Policies as approved and recommended by the City of Keller Finance Committee.](#)

Resolution No. 4694 approves adopting the City of Keller Financial Management, Investment, Purchasing, and Fund Balance Policies as approved and recommended by the City of Keller Finance Committee, which shall be incorporated herein for all purposes.

9. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending June 30, 2023, and providing an effective date.](#)

Resolution No. 4695 receives the Keller Quarterly Investment Report for period ending June 30, 2023.

0. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending June 30, 2023, and providing an effective date.](#)

Resolution No. 4696 receives the Keller Quarterly Financial Report for period ending June 30, 2023.

G. OLD BUSINESS - None

H. NEW BUSINESS

1. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) to replace the existing SUP allowing an electrical substation, for Oncor Electric Delivery Company, for the property legally described as Lot 1, Block A of Keller Wall-Price Substation Addition, being 9.12 acres, approximately 850 feet northeast of the intersection of Wall-Price Keller Road and Chisholm Trail, zoned Commercial and addressed as 851 Chisholm Trail. Oncor Electric Delivery Company, Owner/Rob Myers - Kimley Horn, Applicant. \(SUP-23-0023\)](#)

Community Development Director Sarah Hensley gave a presentation relating to a request for a Specific Use Permit (SUP) to replace the existing SUP allowing an electrical substation, for Oncor Electric Delivery Company at 851 Chisholm Trail.

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 Jessica Juarez, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2135 approving a Specific Use Permit (SUP) to replace the existing SUP allowing an electrical substation, for Oncor Electric Delivery Company, for the property legally described as Lot 1, Block A of Keller Wall-Price Substation Addition, being 9.12 acres, approximately 850 feet northeast of the intersection of Wall-Price Keller Road and Chisholm Trail, zoned Commercial and addressed as 851 Chisholm Trail. The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving a zoning change from Planned Development - Retail \(R\) to Retail \(R\), for the property legally described as Lot 3A, Block 1 of Foote's Addition \(recently replatted as Lot 1, Block A, TEJUN Addition\), being 1.208 acres, approximately 300 feet west of the intersection of Keller Parkway and Bourland Road, zoned Planned Development 1323-Retail \(R-PD-1323\), and addressed as 541 Keller Parkway. City of Keller, Owner/Applicant. \(Z-23-0003\)](#)

Community Development Director Sarah Hensley gave a presentation relating to a request for a zoning change from Planned Development - Retail (R) to Retail (R), at 541 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 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 Council Member Shannon Dubberly, to approve Ordinance No. 2136 approving a zoning change from Planned Development - Retail (R) to Retail (R), for the property legally described as Lot 3A, Block 1 of Foote's Addition (recently replatted as Lot 1, Block A, TEJUN Addition), being 1.208 acres, approximately 300 feet west of the intersection of Keller Parkway and Bourland Road, zoned Planned Development 1323-Retail (R-PD-1323), and addressed as 541 Keller Parkway. The motion carried unanimously.

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for a drive-thru for Te'Jun, a proposed 6,697 square-foot two-story restaurant, for the property legally described as Lot 3A, Block 1 of Foote's Addition \(recently replatted as Lot 1, Block A, TEJUN Addition\), being 1.208 acres, approximately 300 feet west of the intersection of Keller Parkway and Bourland Road, zoned Planned Development 1323-Retail \(R-PD-1323\), and addressed as 541 Keller Parkway. City of Keller, Owner/TeJun, Applicant. \(SUP-23-0021\)](#)

Community Development Director Sarah Hensley gave a presentation relating to a request for a Specific Use Permit (SUP) for a drive-thru for Te'Jun, at 541 Keller Parkway.

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.

A motion was made by Council Member Shannon Dubberly, seconded by Council Member Tag Green, to approve Ordinance No. 2137 approving a Specific Use Permit (SUP) for a drive-thru for Te'Jun, a proposed 6,697 square-foot two-story restaurant, for the property legally described as Lot 3A, Block 1 of Foote's Addition (recently replatted as Lot 1, Block A, TEJUN Addition), being 1.208 acres, approximately 300 feet west of the intersection of Keller Parkway and Bourland Road, zoned Planned Development 1323-Retail (R-PD-1323), and addressed as 541 Keller Parkway. The motion carried unanimously.

4. [Consider a resolution approving a Site Plan with variances for a new 6,697 square-foot two-story restaurant, for the property legally described as Lot 3A, Block 1 of Foote's Addition \(recently replatted as Lot 1, Block A, TEJUN Addition\), being 1.208 acres, approximately 300 feet west of the intersection of Keller Parkway and Bourland Road, zoned Planned Development 1323-Retail \(R-PD-1323\), and addressed as 541 Keller Parkway. City of Keller, Owner/TeJun, Applicant. \(SP-23-0017\)](#)

Community Development Director Sarah Hensley gave a presentation relating to a request for a Site Plan with variances for TeJun, a new 6,697 square-foot two-story restaurant at 541 Keller Parkway.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Chris Whatley, to approve Resolution No. 4697 approving a Site Plan with variances for a new 6,697 square-foot two-story restaurant, for the property legally described as Lot 3A, Block 1 of Foote's Addition (recently replatted as Lot 1, Block A, TEJUN Addition), being 1.208 acres, approximately 300 feet west of the intersection of Keller Parkway and Bourland Road, zoned Planned Development 1323-Retail (R-PD-1323), addressed as 541 Keller Parkway, and with the following variances:

1. **A Variance to UDC Section 9.03(F) to install a 20' landscape buffer along Keller Parkway in lieu of the 30' buffer required when adjacent to thoroughfares with four lanes or more as classified on the city's Thoroughfare Plan shall be allowed.**
2. **A Variance to UDC Section 9.03(F) to install 2' x 6' planter boxes at the front and sides of the building in lieu of the required foundation planting shall be allowed.**
3. **A Variance to UDC Section 9.02(G) to allow 37 regular parking spaces in lieu of the required 45 spaces shall be allowed.**
4. **A Variance to UDC Section 5.07(B) to not provide a cross access connection to adjacent properties shall be allowed.**
5. **A Variance to UDC Section 9.01 (D) to install shrubs in lieu of a screening wall for the loading zone shall be allowed.**
6. **A Variance to UDC Section 8.16 to allow the future dock to encroach the rear setback by no more than 19 feet shall be allowed.**

The motion carried unanimously.

5. [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 Courtney Mair and Danielle Sinclair, owners of Swanky Chic Boutique located at 241 South Main Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant.](#)

Economic Development Director Mary Culver gave a presentation relating to a request for a City of Keller Façade Improvement Grant for Swanky Chic Boutique located at 241 South Main Street.

Ms. Courtney Mair and Ms. Danielle Sinclair, owners, Swanky Chic Boutique, addressed the City Council regarding the proposal.

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4698 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 Courtney Mair and Danielle Sinclair, owners of Swanky Chic Boutique located at 241 South Main Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant, in an amount not to exceed \$10,000. The motion carried unanimously.

6. [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 Paul Sewell, owner of The Lucky Acorn located at 152 South Main Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant.](#)

Economic Development Director Mary Culver gave a presentation relating to a request for a City of Keller Façade Improvement Grant for The Lucky Acorn located at 152 South Main Street.

A motion was made by Council Member Sean Hicks, seconded by Mayor Armin Mizani, to approve Resolution no. 4699 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 Paul Sewell, owner of The Lucky Acorn located at 152 South Main Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant, in an amount not to exceed \$5,625. The motion carried unanimously.

7. [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 Season Lambert, owner of Life is Sweet at 154 South Main Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant.](#)

Economic Development Director Mary Culver gave a presentation relating to a request for a City of Keller Façade Improvement Grant for Swanky Chic Boutique located at Life is Sweet at 154 South Main Street.

A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4700 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 Season Lambert, owner of Life is Sweet at 154 South Main Street, Keller, TX 76248 for a City of Keller Façade Improvement Grant, in an amount not to exceed \$9,219. The motion carried by the following vote:

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

NAY: 1 - Council Member Chris Whatley.

8. [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, and Article Nine - Development Standards, relating to regulations for murals; providing penalties; authorizing publication; and establishing an effective date. \(UDC-23-0006\)](#)

Community Development Director Sarah Hensley gave a presentation relating to a request for amendments to the City of Keller Unified Development Code (UDC), relating to regulations for murals.

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 Shannon Dubberly, seconded by Council Member Sean Hicks, to approve Ordinance No. 2138 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, and Article Nine - Development Standards, relating to regulations for murals; providing penalties; authorizing publication; and establishing an effective date. The motion carried by the following vote:

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

NAY: 1 - Council Member Tag Green.

- 9. [Consider a resolution declaring no confidence in the ability of Tarrant County Chief Appraiser Jeff Law.](#)

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4701 declaring no confidence in the ability of Tarrant County Chief Appraiser Jeff Law. The motion carried unanimously.

I. EXECUTIVE SESSION - None

J. ADJOURN

A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to adjourn the meeting at 8:18 P.M. The motion passed unanimously.

Mayor

City Secretary