



**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, March 19, 2024**

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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 5:05 P.M.

Mayor Armin Mizani  
Council Member Shannon Dubberly  
Council Member Sean Hicks (arrived at 5:10 P.M. by video conference)  
Council Member Jessica Juarez (attended by video conference)  
Council Member Tag Green (attended by video conference)  
Council Member Chris Whatley  
Mayor Pro Tem Ross McMullin

The following City staff members were present: Interim City Manager Aaron Rector, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Community Services Cody Maberry, Director of Community Development Sarah Hensley, Director of Public Works Alonzo Liñán, Director of Economic Development Mary Culver, Director of Human Resources Marcia Reyna, Fire Chief Bobby Tatum Jr., and Police Chief Bradley G. Fortune.

**B. DISCUSS AND REVIEW AGENDA ITEMS**

The Mayor and City Council Members discussed and reviewed the agenda items.

**C. WORK SESSION**

1. [Budget Strategic Planning - Annual Financial Report Presentation and Fund Types.](#)

**Attachments:** [FY 2023-24 Fund Balance Update](#)

Interim City Manager Aaron Rector introduced Mr. Roger Tovar, Engagement Partner/Project Manager, Whitley Penn, whom gave a presented the Annual Comprehensive Financial Report for the fiscal year ending September 30, 2023, which was approved as Consent Item 6.

Mr. Rector gave a presentation relating to a fund balance estimates, debt, and Capital Improvement Project commitments.

**D. JOINT WORK SESSION WITH PLANNING AND ZONING COMMISSION**

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***A Quorum of the Planning and Zoning Commission was present.***

1. [Discuss roles, responsibilities, and vision for the Planning and Zoning Commission](#)

The following members of the Planning and Zoning Commission were present: Chairperson Paul Alvarado, Vice Chairperson John Baker, Commissioner Erik Leist, Commissioner Erin Pfarner, Commissioner Vernon Stansell, Commissioner Ross Brensinger, Commissioner Greg Will, and Alternate Commissioner GiGi Gupta.

The primary discussion between the City Council and the Planning and Zoning Commission was relating to parking in Old Town Keller. At an upcoming Council Work Session, the City Council will discuss how they would like to utilize the Planning and Zoning Commission in regards to resolving the issues with parking in Old Town Keller.

**E. ADJOURN**

Mayor Armin Mizani adjourned the Pre-Council Meeting at 7:05 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 7:16 P.M.

**B. INVOCATION**

Pastor Steve Springer, Global Presence, gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

Boy Scouts Maximums, Conner, and Kara led the Pledge to the United States Flag and the Pledge to the United States 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 - None**

**E. PERSONS TO BE HEARD**

This is a time for the public to address the City Council on any subject. However, the Texas Open Meetings Act prohibits the City Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action. Each speaker will be allowed three (3) minutes to speak.

No public comments were received.

**F. CONSENT**

The next order of business was for the City Council to consider the consent agenda items, which were deemed to need little or no discussion, and were acted upon as one business item.

**A motion was made by Council Member Shannon Dubberly, seconded by Mayor Pro Tem Ross McMullin, to approve the Consent Agenda. The motion carried unanimously.**

1. [Consider approval of the Minutes of the Tuesday, March 5, 2024 Regular City Council Meeting.](#)

**Attachments:** [030524 Minutes Draft](#)

Approved

2. [Consider a resolution approving a contract renewal proposal for Third-Party Building Inspection Services with Safebuilt Texas, LLC, of Fort Worth, Texas, for the purpose of providing third-party building inspections services, and authorizing the City Manager to execute all contract documents on behalf of the City of Keller, Texas.](#)

**Attachments:** [031924 ThirdPartyInspections Resolution](#)

[031924 ThirdPartyInspection ExhibitA](#)

[031924 ThirdPartyInspections Staff Attachment](#)

Resolution No. 4767 approves the proposal for Third-Party Building Inspection Services with Safebuilt Texas, LLC, of Fort Worth, Texas; in the amount of \$156,750, with the option to renew for four (4) additional one-year periods, up to a total of five (5) years; and further authorizes the City Manager to execute all contract documents on behalf of the City of Keller, Texas.

3. [Consider a resolution approving a professional services agreement with Kleinfelder, of Irving, Texas; for the purpose of providing engineering design, relating to the maintenance and rehabilitation of the Whitley Elevated Storage Tank; for the Public Works Department; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [031924 WhitleyEST Resolution](#)

[031924 WhitleyEST StaffAttachment](#)

Resolution No. 4768 hereby approves an Agreement for Professional Services with Kleinfelder of Irving, Texas; for the purpose of providing engineering design services, relating to the maintenance and rehabilitation of the Whitley Elevated Storage Tank, for the Public Works Department, in the amount of \$356,000.00; 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 contract renewal proposal for Public Works Mowing - Channels, City Properties, Rights of Way, and Water Sites with Earthworks, Inc., of Lillian, Texas, for the purpose of providing public works mowing services, and authorizing the City Manager to execute all contract documents on behalf of the City of Keller, Texas.](#)

**Attachments:** [031924\\_PWMowing\\_Resolution](#)  
[031924\\_PWMowing\\_ExhibitA](#)  
[031924\\_PWMowing\\_StaffAttachment](#)

Resolution No. 4769 hereby approves the Contract Renewal Proposal and annual escalation for Public Works Mowing - Channels, City Properties, Rights of Way, and Water Sites with Earthworks, Inc., of Lillian, Texas; in the amount of \$128,064.00, with the option to renew for three (3) additional one-year periods, up to a total of four (4) years; and further authorizes the City Manager to execute all contract documents on behalf of the City of Keller, Texas.

5. [Consider a resolution approving a professional services agreement with Lockwood, Andrews & Newnam \(LAN\) of Fort Worth, Texas, for the purpose of providing professional engineering design, relating to the emergency repair for the Highland Oaks Crossing Channel Gabion Repair project; for the Public Works Department; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

**Attachments:** [031924\\_HOGGabionRepair\\_Resolution](#)  
[031924\\_HOGGabionRepair\\_StaffAttachment](#)

Resolution No. 4770 hereby approves an Agreement for Professional Services with Lockwood, Andrews and Newnam of Fort Worth, Texas; for the purpose of providing engineering design services, relating to the emergency repair of the Highland Oaks Crossing Channel Gabion Repair project, for the Public Works Department, in the amount of \$90,420.00; and further authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

6. [Consider a resolution acknowledging receipt of the Annual Comprehensive Financial Report for the fiscal year ending September 30, 2023.](#)

**Attachments:** [031924\\_FY 2022-23\\_ACFR\\_Receipt\\_Resolution](#)  
[City of Keller ACFR 9-30-23 Final 3-15-24](#)  
[City of Keller SA 9-30-2023 Final](#)

Resolution No. 4771 hereby acknowledges receipt of the Annual Comprehensive Financial Report for the fiscal year ending September 30, 2023.

7. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending December 31, 2023, and providing an effective date.](#)

**Attachments:** [031924\\_FY\\_24\\_Q1\\_Investment\\_Report\\_Resolution](#)  
[031924\\_Investment\\_Rpt\\_FY24\\_Qrt1](#)

Resolution No. 4772 hereby receives the Keller Quarterly Investment Report for period ending December 31, 2023.

8. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending December 31, 2023 and providing an effective date.](#)

**Attachments:** [031924 FY 24 Q1 Financial Report Resolution](#)  
[031924 FY 24 Q1 Financial Report](#)

Resolution No. 4773 hereby receives the Keller Quarterly Financial Report for period ending December 31, 2023.

9. [Consider a resolution amending the Due Diligence period of the Ground Lease Agreement with ME Development, approved by Resolution No. 4716, dated October 17, 2023, through a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and further authorizes the City Manager to execute said documents on behalf of the City of Keller, Texas.](#)

**Attachments:** [Ground Lease Amendment Resolution](#)  
[Ground Lease Amendment No. 1](#)

Resolution No. 4774 hereby amends the Ground Lease Agreement with ME Development, originally approved by Resolution No. 4716, dated October 17, 2023, through a Chapter 380 Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code, and further authorizes the City Manager to execute said documents 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 The Tiki Hut of Keller to operate a temporary vendor business \(sno-cones\), located on an approximately 0.5467-acre tract of land, on the east side of South Main Street, at the intersection of Bear Creek Parkway and South Main Street, being Lot 2RB1, Block 1, Bland Square Addition, zoned Commercial \(C\) and addressed 705 S. Main St. Cathy Smith, Applicant. Todd Hendricks, Owner. \(SUP-24-0003\)](#)

**Attachments:** [031924 Tiki Hut SUP Ordinance](#)  
[031924 Tiki Hut SUP AerialZoning](#)  
[031924 Tiki Hut SUP Application](#)  
[H-1Tiki Hut SUP Presentation](#)

Planner Amber Washington gave a presentation relating to the request for a Specific Use Permit (SUP) for The Tiki Hut of Keller to operate a sno-cones stand, located at 705 S. Main St.

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

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

Ms. Cathy Smith, applicant, addressed the City Council regarding her proposal.

**A motion was made by Mayor Armin Mizani, seconded by Council Member Sean Hicks, to approve Ordinance No. 2159 approving a Specific Use Permit (SUP) for**

The Tiki Hut of Keller to operate a temporary vendor business (sno-cones), located on an approximately 0.5467-acre tract of land, on the east side of South Main Street, at the intersection of Bear Creek Parkway and South Main Street, being Lot 2RB1, Block 1, Bland Square Addition, zoned Commercial (C) and addressed 705 S., with the condition that a Specific Use Permit to allow seasonal sno-cone sales for six (6) months per year beginning April 1st and ending September 30th for four (4) years, which shall expire on September 30, 2027, shall be allowed. The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving a request for a Specific Use Permit \(SUP\) to allow Office/Medical Use in an existing 1,260 square-foot structure, on 0.17 acres located on the south side of Taylor Street, approximately 85 feet southeast from the Taylor Street and South Main Street intersection, legally described as Lot 2A, Block 11 of Keller, City Addition, zoned Old Town Keller \(OTK\) and addressed 110 Taylor Street. David Simmons, Owner. Cary Stillwell, Applicant. \(SUP-24-0005\)](#)

**Attachments:** [031924 110 Taylor SUP Ordinance](#)

[031924 110 Taylor SUP Applicant Packet](#)

[031924 110 Taylor SUP Site Plan](#)

[031924 110 Taylor SUP MAPS](#)

[H-2 110 Taylor SUP Presentation](#)

Community Development Director Sarah Hensley gave a presentation relating to the request for a for a SUP allowing Office/Medical Use at 110 Taylor Street.

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

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

Dr. Leslie Faris, applicant, addressed the City Council regarding the proposal.

**A motion was made by Council Member Chris Whatley, seconded by Mayor Pro Tem Ross McMullin, to approve Ordinance No. 2160 approving a request for a Specific Use Permit (SUP) to allow Office/Medical Use in an existing 1,260 square-foot structure, on 0.17 acres located on the south side of Taylor Street, approximately 85 feet southeast from the Taylor Street and South Main Street intersection, legally described as Lot 2A, Block 11 of Keller, City Addition, zoned Old Town Keller (OTK) and addressed 110 Taylor Street, with the following variances:**

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

**AYE: 5 - Council Member Shannon Dubberly, Council Member Jessica Juarez, Mayor Armin Mizani, Council Member Chris Whatley, and Mayor Pro Tem Ross McMullin**

**NAY: 2 - Council Member Sean Hicks, and Council Member Tag Green**

3. [Consider a resolution approving a Site Plan with variances for an existing approximately 1,260 square foot structure on 0.17 acres located on the south side of Taylor Street, approximately 85 feet southeast from the Taylor Street and South Main Street intersection, legally described as Lot 2A, Block 11 of Keller, City Addition, zoned Old Town Keller \(OTK\) and addressed 110 Taylor Street. David Simmons, Owner. Cary Stillwell, Applicant. \(SP-24-0005\)](#)

**Attachments:** [031924\\_110 Taylor Site Plan Resolution](#)

[031924\\_110 Taylor SP MAPS](#)

[031924\\_110 Taylor SP Site Plan and Elevations](#)

[031924\\_110 Taylor SP Photometric Plan Variance](#)

[031924\\_110 Taylor SP Parking Variance](#)

[031924\\_110 Taylor SP Landscape Variance and Tree Survey](#)

[031924\\_110 Taylor SP Application](#)

[H-3 110 Taylor SP Presentation](#)

Community Development Director Sarah Hensley gave a presentation relating to the request for a for a Site Plan with variances at 110 Taylor Street.

Dr. Leslie Faris, property owner, and Ms. Cary Stillwell, applicant, addressed the City Council regarding the proposal.

**A motion was made by Mayor Pro Tem Ross McMullin, seconded by Mayor Armin Mizani, to approve Resolution No. 4775 approving a Site Plan with variances for an existing approximately 1,260 square foot structure on 0.17 acres located on the south side of Taylor Street, approximately 85 feet southeast from the Taylor Street and South Main Street intersection, legally described as Lot 2A, Block 11 of Keller, City Addition, zoned Old Town Keller (OTK) and addressed 110 Taylor Street, with the following variances:**

1. **A variance to provide no photometric plan shall be allowed.**
2. **A variance to construct no new parking shall be allowed.**
3. **A variance to install no new landscaping shall be allowed.**

The motion carried unanimously.

## I. ADJOURN

Mayor Armin Mizani adjourned the Meeting at 8:15 P.M.

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Mayor

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City Secretary