



City of Keller City Council Agenda

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

B. DISCUSS AND REVIEW AGENDA ITEMS

C. EXECUTIVE SESSION - None

D. WORK SESSION

1. [Pate Orr Sidewalk Discussion](#)
2. [Sports Park Materials Storage Discussion](#)
3. [Discuss Medical and Spa-related uses, and allowed uses in the Town Center Zoning District](#)

Attachments: [Medical Facilities UDC Definitions](#)
[Work Session - TC and Med Spas Presentation](#)

4. [Capital Improvement Projects Update](#)
5. [City Council Updates on Boards and Commissions](#)

E. ADJOURN

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Mayor Armin R. Mizani

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

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](#)

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.

F. CONSENT

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

Attachments: [081523 Minutes](#)

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

Attachments: [082923 Minutes Draft](#)

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.](#)

Attachments: [090523 Atmos RRM 2023 Ordinance.docx](#)
[090523 Atmos RRM 2023 Attachment 1 .pdf](#)
[090523 Atmos RRM 2023 Attachment 2.pdf](#)

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.](#)

Attachments: [Parks at Town Center Playground Resolution](#)
[Keller Pointe Playground Proposal Opt3 Rev1](#)
[Keller Pointe Playground Design Pkg Opt3 \(1\)](#)
[Keller Pointe Playground Drawing Opt3 \(1\)](#)
[Presentation - The Parks at Town Center Playground Replacement](#)

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.](#)

Attachments: [090523_ThirdPartyReviews_Resolution](#)
[090523_ThirdPartyReviews_ExhibitA](#)
[060518_StaffAttachment](#)

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.](#)

Attachments: [090523_ShadyGroveTermination_ProposedResolution](#)

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.](#)

Attachments: [090523_PateOrrSidewalk_Tab](#)
[090523_PateOrrSidewalk_Map](#)
[090523_PateOrrSidewalk_ProposedResolution](#)

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.](#)

Attachments: [090523_Financial_Policies_Resolution](#)
[090523_Financial_Management_Policy_2023_Proposed](#)
[090523_Fund_Balance_Policy_2023_proposed](#)
[090523_Investment_Policy_2023_Proposed](#)
[090523_Purchasing_Policy_2023_proposed](#)

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

Attachments: [090523_FY_23_Q3_Investment_Report_Resolution](#)
[090523_2023_06_Keller_Inv_Rpt](#)

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

Attachments: [090523_FY_23_Q3_Financial_Report_Resolution](#)
[090523_FY_23_Q3_Financial_Report](#)

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)

Attachments: [090523 Oncor Substation SUP Ordinance](#)
[090523 Oncor SUP Concept Plan](#)
[090523 Oncor SUP Application-Narrative](#)
[090523 Oncor SUP MAPS](#)
[090523 Oncor Substation SUP Staff Attachment-Ordinance No. 1240](#)
[H-1 Oncor SUP Presentation](#)

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)

Attachments: [090523 541 Keller Parkway Rezone Ordinance](#)
[090523 541 Keller Parkway Rezone MAPS](#)
[090523 541 Keller Parkway Rezone Staff Attachment-Ord. 1323](#)
[090523 541 Keller Parkway Rezone Retail Use Chart](#)
[090523 541 Keller Parkway Rezone PD-Retail Use Comparison](#)
[H-2 TeJun Rezone Presentation](#)

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)

Attachments: [090523 TeJun SUP Ordinance](#)
[090523 TeJun SUP MAPS](#)
[090523 TeJun SUP Site Plan](#)
[090523 TeJun SUP Application-Narrative-Trip Generation](#)
[H-3 TeJun SUP Presentation](#)

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)

Attachments: [090523 TeJun SP Resolution](#)
[090523 TeJun Site Plan Exhibit A-Site Plan](#)
[090523 TeJun Site Plan MAPS](#)
[090523 TeJun Site Plan Application-Narrative](#)
[H-4 TeJun Site Plan Presentation](#)

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.](#)

Attachments: [09052023 Exhibit A.1 Resolution 241 S Main](#)
[09052023 Exhibit A Proposed 380 Agreement 241 S Main](#)
[09052023 Exhibit A.2 241 S Main FIG Application](#)
[09052023 Exhibit A.3 Resolution No. 4371](#)
[H-5 - 241 S Main FIG Presentation](#)

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.](#)

Attachments: [09052023 Exhibit A.1 Resolution 152 S Main](#)
[09052023 Exhibit A Proposed 380 Agreement](#)
[09052023 Exhibit A.2 152 S Main FIG Application](#)
[09052023 Exhibit A.3 Resolution No. 4371](#)
[H-6 - 152 S Main FIG Presentation](#)

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.](#)

Attachments: [09052023 Exhibit A.1 Resolution](#)
[09052023 Exhibit A Proposed 380 Agreement](#)
[09052023 Exhibit A.2 154 S Main FIG Application](#)
[09052023 Exhibit A.3 Resolution No. 4371](#)
[H-7 - 154 S Main FIG Presentation](#)

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. \(UDC-23-0006\)](#)

Attachments: [090523 UDC Amendment-Murals Ordinance](#)
[090523 UDC Amendment-Murals Exhibit A](#)
[H-9 UDC Amendment Mural Process Presentation](#)

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

Attachments: [Vote of No Confidence - TAD Jeff Law](#)

I. EXECUTIVE SESSION - None

J. ADJOURN

CITY OF KELLER MISSION STATEMENT

We commit to preserving a safe, informed and vibrant community of quality neighborhoods, thriving businesses and natural beauty by setting the standard for municipal engagement, collaboration, service and innovation.

CERTIFICATE

I hereby certify that the above notice is posted, per the Open Meetings Law, Texas Government Code, Chapter 551, on the official bulletin board at Keller Town Hall, 1100 Bear Creek Parkway, on Thursday, August 31, 2023 at 6:30 P.M.

Kelly Ballard, TRMC, CMC
City Secretary

Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the ADA Coordinator 48 hours in advance, at 817-743-4041, and reasonable accommodations will be made for assistance.