



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 6, 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 5:00 P.M.

The following City Council Members were present:

Mayor Armin Mizani
Council Member Shannon Dubberly
Council Member Sean Hicks
Council Member Jessica Juarez (arrived at 5:04 P.M.)
Council Member Tag Green (attended by video conference)
Council Member Chris Whatley (arrived at 8:30 P.M. by video conference)
Mayor Pro Tem Ross McMullin

The following City staff members were present: City Manager Mark Hafner, City Secretary Kelly Ballard, Assistant City Secretary Andrea McDonald, City Attorney Stan Lowry, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Director of Community Services Cody Maberry, Director of Community Development Julie Smith, Assistant Director of Community Development Sarah Hensley, Director of Human Resources Marcia Reyna, Director of Economic Development Mary M. Culver, 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 5:50 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 6:37 P.M.

3. Action on Executive Session Item 1 if necessary.

No action was taken.

D. WORK SESSION**1. [Discuss Membership with the Greater Keller Chamber of Commerce.](#)**

Mayor Armin Mizani addressed the Greater Keller Chamber of Commerce Board members in the audience and stated that he valued the relationship between the City of Keller and the Chamber of Commerce. He added that what is voiced in the roles as elected officials, and what is voiced in the roles as chairpersons, is reflective of the relationship between the two organizations. Council Member Sean Hicks expressed his concerns with the City of Keller overstepping boundaries with the Chamber of Commerce. Council Member Tag Green, Council Member Shannon Dubberly, Council Member Jessica Juarez, and Mayor Pro Tem Ross McMullin all expressed their desire to work with the Chamber with a homogeneous view that supports the community's values; however, supported a resolution that would terminate the relationship between the City of Keller and the Chamber of Commerce should divisiveness continue.

Mayor Armin Mizani requested that the incoming chairperson from the Chamber of Commerce inform him the outcome of the Chamber's meeting scheduled later in the month.

2. [Discuss draft Substandard Building ordinance.](#)

Community Development Director Julie Smith presented a draft substandard building ordinance created with assistance from the City Attorney's Office. City Council reviewed and discussed the draft ordinance with City Attorney Stan Lowry.

The City Council directed staff to move forward with the ordinance and place on the next City Council agenda for consideration.

3. [Discuss proposed Unified Development Code \(UDC\) amendments related to fuel pumps/sales in the Retail zoning district.](#)

Assistant Director of Community Development Sarah Hensley gave a presentation regarding proposed UDC amendments related to fuel pumps/sales in the retail zoning district and addressed questions from the City Council.

Council directed staff to move forward with the proposed amendment.

4. [Discuss food truck inspection and permitting process.](#)

Fire Marshal Debra Crafton presented a proposed amendment to the 2021 International Fire Code (IFC) relating to food truck inspections. She explained that with the addition of Section 319.2.1 Inspections to the IFC, Keller Fire-Rescue would accept a passing inspection report performed by another North East Fire Department Association (NEFDA)

city, provided that city was enforcing the same adopted codes as Keller. Fire Marshal Crafton added that there were only two other NEFDA cities who had adopted the 2021 IFC, that the majority of NEFDA cities were currently under the 2018 IFC.

The City Council directed Fire Marshal Crafton to research and compare the variances between the 2018 IFC and the 2021 IFC.

5. [Capital Improvement Projects Update](#)

Public Works Director Alonzo Liñán addressed questions from the City Council and gave updates on the City's current Capital Improvement Projects.

E. ADJOURN

Mayor Armin Mizani recessed the Pre-Council Meeting at 6:57 P.M. with the intent to reconvene at the conclusion of the Regular Meeting.

Mayor Armin Mizani adjourned the Pre-Council Meeting at 9:41 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 - Keller Police Chaplain Brian Hamlin

Keller Police Chaplain Brian Hamlin gave the invocation.

C. PLEDGE OF ALLEGIANCE

Keller Police Chaplain Brian Hamlin led the pledges to the United States Flag and 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 - 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.

Mr. David Tashman, 1705 Everest, expressed his appreciation to Council, encouraged

clean campaigning practices, and further encouraged the City's assistance to the Marshall Point drainage channel.

Mr. Cary Moon, 124, 128, 136, 204, 224, 228, 234 S. Main Street and 109 W. Vine Street, thanked the City of Keller for its partnership over the years, and expressed his support for Item H. 3. on the agenda and his concern with the City's fire ordinances.

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 Sean Hicks, 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, August 16, 2022 Regular City Council Meeting.](#)

Approved.

2. [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 2022 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 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. 2084 approves a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 Rate Review Mechanism filing.

3. [Consider a resolution adopting the 2022 City of Keller Financial Management, Investment, Purchasing, and Fund Balance Policies as approved and recommended by the City of Keller Finance Committee.](#)

Resolution No. 4546 adopts the 2022 City of Keller Financial Management, Investment, Purchasing, and Fund Balance Policies as approved by the City of Keller Finance Committee.

4. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending March 31, 2022, and providing an effective date.](#)

Resolution No. 4547 approves receipt of the Keller Quarterly Financial Report for the period ending March 31, 2022 and provides an effective date.

5. [Consider a resolution receiving the Keller Quarterly Financial Report for period ending June 30, 2022, and providing an effective date.](#)

Resolution No. 4548 approves receipt of the Keller Quarterly Financial Report for the period ending June 30, 2022 and provides an effective date.

6. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending March 31, 2022, and providing an effective date.](#)

Resolution No. 4549 approves receipt of the Keller Quarterly Investment Report for the period ending March 31, 2022 and provides an effective date.

7. [Consider a resolution receiving the Keller Quarterly Investment Report for period ending June 30, 2022, and providing an effective date.](#)

Resolution No. 4550 approves receipt of the Keller Quarterly Investment Report for the period ending June 30, 2022 and provides an effective date.

8. [Consider a resolution approving the purchase of two \(2\) replacement emergency generators and installation services from Fort Worth Electric of Fort Worth, Texas for Fire Stations 2 and 3, through the interlocal agreement with the Tarrant Regional Water District \(TRWD\), and authorizing the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.](#)

Resolution No. 4551 approves the purchase of two (2) replacement emergency generators and installation services from Fort Worth Electric of Fort Worth, Texas for Fire Stations 2 and 3, through the interlocal agreement with the Tarrant Regional Water District (TRWD), in the amount of \$270,000.00; and authorizes the City Manager to execute all related purchase documents on behalf of the City of Keller, Texas.

9. [Consider a resolution approving the bid from Idea Contracting, LLC., of Keller, Texas, for the Full Depth Reclamation of Parking Lot "H" and the KYA Lot at the Keller Sports Park, for the Parks and Recreation Department; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4552 approves the bid from Idea Contracting, LLC, for the Full Depth Reclamation of Parking Lot "H" and the KYA Lot at the Keller Sports Park, in the total amount of \$739,259.00; and authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

10. [2022 Sidewalk Repair Contract #4 - Consider a resolution approving the purchase of concrete repair and replacement services from C.I. Pavement of Grand Prairie Texas; for remaining FY 2021-22 sidewalk repairs as a part of the Sidewalk Repair Project for the Public Works Department; through The Interlocal Purchasing System \(TIPS-USA\) purchasing cooperative; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Resolution No. 4553 approves the purchase of Concrete Repair and Replacement

Services from C.I. Pavement of Grand Prairie, Texas through the TIPS-USA purchasing cooperative in the amount of \$2,014,698.00 and further authorizes the City Manager to execute all purchase 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 Beauteous Lash Studio to operate a salon/spa in an existing 700 square-foot lease space, within a 3,550 square-foot multi-tenant building, approximately 593 feet southeast of the intersection of South Main Street and U.S. Hwy. 377, legally described as Lots 1-4, Block 10, Keller City Addition, zoned Old Town Keller \(OTK\) and addressed as 149 S. Main St., Suite C. GoGuz LLC, Applicant. Vina Property, LLC, Owner. \(SUP-22-0027\)](#)

Assistant Director of Community Development Sarah Hensley gave a presentation related to a Specific Use Permit request for Beauteous Lash Studio located at 149 S. Main Street.

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

Applicant Ms. Marianna Guzman addressed questions from the City Council regarding her request.

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

A motion was made by Council Member Sean Hicks, seconded by Council Member Shannon Dubberly, to approve Ordinance No. 2085; approving a Specific Use Permit (SUP) for Beauteous Lash Studio to operate a salon/spa in an existing 700 square-foot lease space, within a 3,550 square-foot multi-tenant building, approximately 593 feet southeast of the intersection of South Main Street and U.S. Hwy. 377, legally described as Lots 1-4, Block 10, Keller City Addition, zoned Old Town Keller (OTK) and addressed as 149 S. Main St., Suite C, with the following conditions:

1. **A Specific Use Permit to operate a lash studio/salon at 149 South Main Street, Suite C, for Beauteous Lash Studio with the hours of operation being 8 AM to 8 PM on Monday through Saturday and closed Sunday, shall be allowed.**

2. **The future use of permanent cosmetics shall be allowed.**

The motion carried unanimously.

2. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for indoor entertainment at Shotzee's Bar and Grill \(Tarrant Appraisal District account #: 14842004\) in an existing 5,000 square-foot lease space, within a 6,200 square-foot multi-tenant building, at the intersection of South Main Street and West Hill Street, legally](#)

described as Lots 3A and 3B, Block 2 of City of Keller Addition, zoned Old Town Keller (OTK) and addressed as 134 S. Main St. Gypsy Rose Lee LLC, Applicant. Keller Main 136 LLC, Owner. (SUP-22-0025)

Director of Community Development Julie Smith gave a presentation in relation to a request for a Specific Use Permit for indoor entertainment at Shotzee's Bar and Grill at 134 S. Main 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 Pro Tem Ross McMullin, to close the public hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Sean Hicks, to approve Ordinance No. 2086; approving a Specific Use Permit (SUP) for indoor entertainment at Shotzee's Bar and Grill (Tarrant Appraisal District account #: 14842004) in an existing 5,000 square-foot lease space, within a 6,200 square-foot multi-tenant building, at the intersection of South Main Street and West Hill Street, legally described as Lots 3A and 3B, Block 2 of City of Keller Addition, zoned Old Town Keller (OTK) and addressed as 134 S. Main St., with the following condition:

1. A Specific Use Permit to operate an indoor entertainment venue at 134 S. Main St. for Shotzee's Bar and Grill with the hours of operation being 11 AM to 12 AM on Sunday through Thursday and 11 AM to 2 AM on Friday and Saturday, shall be allowed.

The motion carried unanimously.

3. Consider a resolution approving a special exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Old Town Keller Zoning District signage requirements for one attached wall sign for Shotzee's Bar and Grill (Tarrant Appraisal District account #: 14842004) in an existing 5,000 square-foot lease space, within a 6,200 square-foot multi-tenant building, at the intersection of South Main Street and West Hill Street, legally described as Lots 3A and 3B, Block 2 of City of Keller Addition, zoned Old Town Keller (OTK) and addressed as 134 S. Main St. Gypsy Rose Lee LLC, Applicant. Keller Main 136 LLC, Owner. (UDC-22-0006)

Director of Community Development Julie Smith gave a presentation related to a special exception request for an attached wall sign for Shotzee's Bar and Grill located at 134 S. Main Street.

Applicants Mr. Ned Brown and Mrs. Heather Brown addressed questions from City Council.

Discussion was held by the City Council.

A motion was made by Council Member Sean Hicks, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4554; approving a special exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Old Town Keller Zoning District signage requirements for one attached wall sign for Shotzee's Bar and Grill (Tarrant Appraisal District account #: 14842004) in an existing 5,000 square-foot lease space, within a 6,200 square-foot multi-tenant building, at the intersection of South Main Street and West Hill Street, legally described as Lots 3A and 3B, Block 2 of City of Keller Addition, zoned Old Town Keller (OTK) and addressed as 134 S. Main St. The motion carried by the following vote:

AYE: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Sean Hicks, Council Member Jessica Juarez and Mayor Pro Tem Ross McMullin.

NAY: 1 - Council Member Tag Green.

4. [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, Development Standards, Tree Preservation, Section 8.03 Zoning Districts, by defining the boundaries of the OTK - Old Town Keller District, and by replacing Figure 1 of this section with a new Old Town Keller Boundary Map, and; providing penalties; authorizing publication; and establishing an effective date. \(UDC-22-0005\)](#)

Assistant Community Development Director Sarah Hensley presented proposed amendments to the UDC regarding the Old Town Keller Boundary Map.

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

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

Mayor Pro Tem Ross McMullin was absent for the vote.

A motion was made by Mayor Armin Mizani, seconded by Council Member Shannon Dubberly, to approve Ordinance No 2087; 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, Development Standards, Tree Preservation, Section 8.03 Zoning Districts, by defining the boundaries of the OTK - Old Town Keller District, and by replacing Figure 1 of this section with a new Old Town Keller Boundary Map, and; providing penalties; authorizing publication; and establishing an effective date. The motion

carried unanimously.

Mayor Pro Tem Ross McMullin was absent for the vote.

5. [Consider a resolution approving amendments to Contract No. 20-40 with Community Waste Disposal, of Dallas, Texas; by amending Article 1, Term; to extend contract term to an additional 12 months through August 30, 2026 and Article 22, Remuneration; to allow the change to the Annual Adjustment to exceed the 5% up or down cap on the overall customer rate; for citywide garbage rates for the period September - August 31, 2023; and authorizing the City Manager to execute said amendment on behalf of the City of Keller, Texas.](#)

Administrative Services Manager Lupe Orozco gave a presentation relating to proposed amendments to Contract No. 20-40 with Community Waste Disposal (CWD).

Mrs. Becky Haskin, 1905 Cielo Ct., addressed Council with her concerns regarding the description for this item on the agenda, and the need for education and citizen input regarding solid waste collection and recycling services.

Discussion was held by the City Council.

A motion was made by Mayor Armin Mizani, seconded by Mayor Pro Tem Ross McMullin, to approve Resolution No. 4555; approving amendments to Contract No. 20-40 with Community Waste Disposal, of Dallas, Texas; by amending Article 1, Term; to extend contract term to an additional 12 months through August 30, and Article 22, Remuneration, allowing the annual adjustment to increase to 8% for the period September 1, 2022 to August 31, 2023; and further authorizes the City Manager to execute said amendments on behalf of the City of Keller, Texas. The motion carried by the following vote:

AYE: 5 - Mayor Armin Mizani, Council Member Shannon Dubberly, Council Member Jessica Juarez, Council Member Tag Green, and Mayor Pro Tem Ross McMullin.

NAY: 1 - Council Member Sean Hicks.

6. [Consider a resolution approving a Final Plat with a variance for the Mountain Blue Addition, a proposed one lot, single-family residential subdivision on 6.15 acres of land generally located on the northeast corner of Lambert Lane and Lambert Lane East, being Lots 1-4, Block 1, Cuny Addition, and Tracts 8B01A, 8B01A1 and 8C02A, located in the Jesse Gibson Survey, abstract number 592, zoned Single-Family Residential 36,000 square-foot minimum lot size or greater \(SF-36\), and addressed as 5951, 5953, 5957 and 5955 Lambert Lane East and 13492 Lambert Lane in the City of Keller, Tarrant County, Texas.](#)

(Council Member Chris Whatley joined the meeting during this item at 8:30 P.M. by video conference.)

Community Development Director Julie Smith gave a presentation in relation to a final plat with a variance request at 5951, 5953, 5957, and 5955 Lambert Lane East and 13492 Lambert Lane.

Applicant Mrs. Leslie Sagar gave a presentation related to her request addressed questions from the City Council.

Discussion was held by the City Council.

A motion was made by Mayor Pro Tem Ross McMullin, seconded by Council Member Shannon Dubberly, to approve Resolution No. 4556 approving a Final Plat with a variance for the Mountain Blue Addition, a proposed one lot, single-family residential subdivision on 6.15 acres of land generally located on the northeast corner of Lambert Lane and Lambert Lane East, being Lots 1-4, Block 1, Cuny Addition, and Tracts 8B01A, 8B01A1 and 8C02A, located in the Jesse Gibson Survey, abstract number 592, zoned Single-Family Residential 36,000 square-foot minimum lot size or greater (SF-36), and addressed as 5951, 5953, 5957 and 5955 Lambert Lane East and 13492 Lambert Lane in the City of Keller, Tarrant County, Texas, with the following condition:

- 1. A variance to allow a dead end or stub street (without a cul-de-sac) without the provision of future access to adjacent vacant land areas shall be allowed.**

The motion carried unanimously.

I. EXECUTIVE SESSION

Executive Session was not held during the Regular Meeting.

J. ADJOURN

Mayor Armin Mizani adjourned the Regular Meeting at 9:11 P.M. and reconvened the Work Session at 9:16 P.M.

Mayor

City Secretary