

City of Killeen
Regular City Council Meeting
Killeen City Hall
May 14, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming, Debbie Nash-King and Steve Harris

Also attending were City Manager Ron Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Pastor Raquel Watkins gave the invocation, and Councilmember Fleming led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro Tem Kilpatrick to approve the agenda as written. Motion was seconded by Councilmember Fleming. The motion carried unanimously.

Ordinances

OR-19-010 Consider an ordinance canvassing the returns and declaring results of the May 4, 2019 General Election.

The City Secretary read the caption of the ordinance.

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD MAY 4, 2019 FOR THE ELECTION OF A DISTRICT COUNCIL MEMBER FOR DISTRICT 2, DISTRICT 3 AND DISTRICT 4.

Prior to the meeting, Mayor Segarra, Councilmember Menking, and Councilmember Rivera verified the results of the May 4 election by reviewing the result tapes. Councilmember Menking read the ordinance that certified the election results, stating the number of votes each candidate received, and that Shirley Fleming was elected as Councilmember for District 1 (in an unopposed race), Debbie Nash-King was elected as Councilmember for District 2, Jim Kilpatrick was elected as Councilmember for District 3, and Steve Harris was elected as Councilmember for District 4.

Motion was made by Councilmember Menking to approve OR-19-010, declaring Shirley Fleming elected for District 1 (in an unopposed race), Debbie Nash-King the elected for District 2, Jim Kilpatrick the elected for District 3, and Steve Harris the elected for District 4. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Oath of Office & Certificate of Election

Judge Kimble administered the Oath to Shirley Fleming, Debbie Nash-King, Jim Kilpatrick, and Steve Harris. Mayor Segarra presented the Certificate of Election.

Standards of Conduct

City Manager, Ron Olson, read the Standards of Conduct while the entire council signed the Standards of Conduct.

Minutes

Motion was made by Councilmember Rivera to approve the minutes of the April 23, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Resolutions

RS-19-044 Consider a memorandum/resolution to elect a Mayor Pro-Tem.

Mayor Segarra asked for nomination.

Councilmember Rivera nominated Jim Kilpatrick to continue to serve as Mayor Pro-Tem. Councilmember Fleming seconded the nomination. With no other nominations, Mayor called for a vote. The nomination carried unanimously.

RS-19-040 Consider a memorandum/resolution denying an application by Oncor to amend its distribution cost recovery factor.

Staff Comments: Kathy Davis, City Attorney.

The City is a regulatory authority for the rates and charges of electricity distribution within its boundaries. Oncor Electric Delivery Company LLC (“Oncor”) has filed an Application for Approval of a Distribution Cost Recovery Factor to increase distribution rates for its service area. Oncor is seeking a system-wide increase in distribution revenues of \$29,443,804. Staff and attorneys for the Steering Committee of Cities Served by Oncor (OCSC) recommend denying Oncor’s Application for Approval to amend its Distribution Cost Recovery Factor.

Motion was made by Councilmember Fleming to approve RS-19-040. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-041 Consider a memorandum/resolution approving the appointment of an Executive Director of Recreation Services.

Staff Comments: Eva Bark, Executive Director of Human Resources.

The Executive Director of Community Services position became vacant on April 26, 2019. Prior to posting the position, the City Manager requested a title change for this position from Executive Director of Community Services to Executive

Director of Recreation Services. On April 15; City Management, Human Resources, and the executive staff interviewed seven candidates. Mr. Olson has extended a conditional letter of employment to Mr. Joseph Brown. Staff recommends that the City Council approve the City Manager's appointment of Joseph Brown as the City of Killeen's Executive Director of Recreation Services.

Motion was made by Councilmember Rivera to approve RS-19-041. Motion was seconded by Councilmember Menking. Motion carried unanimously.

RS-19-042 Consider a memorandum/resolution approving the appointment of an Executive Director of Information Technology.
Staff Comments: Eva Bark, Executive Director of Human Resources. The Executive Director of Information Technology position became vacant on January 4, 2019. From February through April; City Management, Human Resources, and the Information Technology Consultant interviewed several candidates. Mr. Olson has extended a conditional letter of employment to Mr. Wilfred Resto. Staff recommends that the City Council approve the City Manager's appointment of Wilfred Resto as the City of Killeen's Executive Director of Information Technology.

Motion was made by Councilmember Fleming to approve RS-19-042. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-19-043 Consider a memorandum/resolution approving the appointment of an Executive Director of Public Works.
Staff Comments: Eva Bark, Executive Director of Human Resources. The Executive Director of Public Works position became vacant on March 15, 2019. Mr. Olson appointed Ms. Danielle Singh as the Interim Executive Director of Public Works. Ms. Singh began employment with the City of Killeen in September 2018 as the City Engineer. Mr. Olson has extended a conditional promotional offer to Ms. Danielle Singh. Staff recommends that the City Council approve the City Manager's appointment of Danielle Singh as the City of Killeen's Executive Director of Public Works.

Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-19-043. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Public Hearings

PH-19-010 **HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of SS Springs, L.L.C. and Abbott Springs, Ltd., (Case#Z18-22) to rezone approximately 42.3 acres, being part of Lot 2, Block 1, Rosewood Addition and Lots 1-6, Block 2, Rosewood Commercial, from "B-3" (Local Business District) to Planned Unit Development (PUD) with underlying "B-3" (Local Business District), "R-1" (Single-Family Residential District), "SF-2" (Single-Family Residential District), "R-2" (Two-Family Residential District), and

“RT-1” (Residential Townhouse Single-Family District) zoning. The properties are addressed as 3700, 3918, 4136, 4354, 4572, 4790 and 4900 Rosewood Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN CHANGING THE ZONING OF APPROXIMATELY 42.3 ACRES, BEING PART OF LOT 2, BLOCK 1, ROSEWOOD ADDITION AND LOTS 1-6, BLOCK 2, ROSEWOOD COMMERCIAL, FROM “B-3” (LOCAL BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (P.U.D.) WITH “B-3” (LOCAL BUSINESS DISTRICT), “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT), “SF-2” (SINGLE-FAMILY RESIDENTIAL DISTRICT), “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT), AND “RT-1” (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) ZONING; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning and Development Services.

The identified properties are designated as ‘PD’ (Planned Development) on the City’s Future Land Use Map. The PD designation encourages mixed use development (retail, office, residential and public). The current PUD concept plan illustrates a customized commercial district, Rosewood Business District (RBD), as well as “SR-1”, “R-1”, “SF-2”, “R-2”, a customized residential Villa (V) district and Flex lots, which allow any combination of the previously referenced residential uses. The PUD consists of 45% residential uses (105 lots), 21.5% commercial uses (13 lots), 12% open space and 21.5% for right-of-way purposes. Residential density is 4.33 dwelling units per net acre (note: net acreage excludes rights-of-way and commercial areas). Staff notified 107 surrounding property owners within the 400’ notification boundary. Staff received opposition from six individuals: Kenneth Greenawalt, Deron Walker, Leonardo Gonzalez-Sanchez, LaVera C. Harris, José I. Borges and Robert Volk. Three of these individuals own property within 200’ of the site and amount to a 2% percent protest. The Planning and Zoning Commission recommends approval (4 to 1, one abstention) of the applicant’s zoning request, subject to the submitted PUD concept plan and the associated PUD, RBD and Villa development standards.

Mayor Segarra invited the applicant to speak.

Pedro Quintero, spoke in favor of the request.

Mayor Segarra opened the public hearing.

Robert Stefek, spoke in favor of the request.

Holly Teel, spoke against the request.

Mellisa Brown, spoke against the request.

Jim Wright, spoke in favor of the request.

With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-19-010 with the amendment to the flex lots removing use of duplex homes. Motion was seconded by Councilmember Menking. Motion carried 5 to 2 with Councilmember Fleming and Councilmember Harris in opposition.

PH-19-011 **HOLD** a public hearing and consider an ordinance requested by Esmeralda Medrano on behalf of Adolfo Medrano Romero and Claudia Corona De Medrano (**Case #Z19-05**) to rezone Lot 34, Block 1, Simmons 1st, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District). The property is addressed as 507 58th Street, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF LOT 34, BLOCK 1, SIMMONS 1ST, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “R-2” (TWO FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning and Development Services.

The property is designated as ‘Residential Mix’ (R-MX) on the City’s Future Land Use Map (FLUM) of the Comprehensive Plan. The R-MX designation encourages a mix of residential types, public and institutional uses, parks and public spaces. Staff notified thirty-nine (39) surrounding property owners within a 400’ notification boundary regarding this request. There have been no responses from the surrounding property owners in regard to this request. The Planning and Zoning Commission recommends approval of the applicant’s request (by a vote of 6 to 0).

Mayor Segarra invited the applicant to speak.

Esmeralda Medrano – spoke in favor of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Menking to approve PH-19-011. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-19-012 **HOLD** a public hearing and consider an ordinance requested by William R. Dunivan Jr. and Robbie A. Dunivan (**Case #Z19-06**) to rezone approximately 1.001 acres out of the M.T. Martin Survey, Abstract No. 963 and the William Freer

Survey, Abstract No. 517, from University District (“UD”) with a Conditional Use Permit (C.U.P.) for "RT-1" (Residential Townhouse Single-Family District) to University District (“UD”) with a Conditional Use Permit (C.U.P.) for “R-2” (Two-Family Residential District). The property is located southeast of Study Hall Loop and University Village Way, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN CHANGING THE ZONING OF APPROXIMATELY 1.001 ACRES OUT OF THE M.T. MARTIN SURVEY, ABSTRACT NO. 963 AND THE WILLIAM FREER SURVEY, ABSTRACT NO. 517, FROM UNIVERSITY DISTRICT “UD” WITH A CONDITIONAL USE PERMIT (C.U.P.) FOR “RT-1” (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) TO UNIVERSITY DISTRICT “UD” WITH A CONDITIONAL USE PERMIT (C.U.P.) FOR “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning and Development Services.

The City Council by majority vote may grant a Conditional Use Permit for any residential or business land use for a specific parcel in the University District. The Council may also impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the future four-year university. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed. Staff mailed thirty two (32) surrounding property owner letters within 400 feet of the subject property regarding this request. Staff has received one response of support from Reece’s Creek Group L.C., and one opposition from Song Nam Chon, the owner of 6611 S. Fort Hood Street. The Planning and Zoning Commission recommends approval of the applicant’s C.U.P. (by a vote of 6 to 0) subject to the following conditions: all duplexes lots shall satisfy the area regulations contained in Killeen Code of Ordinances Section 31-233; all duplex units shall be limited to one-story in height; and the Executive Director of Planning and Development Services or designee may grant an administrative approval to use an alternative landscaping standard when special lot area situations arise.

Mayor Segarra invited the applicant to speak.

None in the audience.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-19-012. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Menking, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 6:44p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary