

City of Killeen
Regular City Council Meeting
Killeen City Hall
September 10, 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 Gillman.

Dr. Mark Kirkland 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 Debbie Nash-King. The motion carried unanimously.

Citizens Comments

Richard Young spoke on Agenda Item RS-19-098

Minutes

Motion was made by Councilmember Menking to approve the minutes of the August 20, 2019 Special City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Motion was made by Councilmember Menking to approve the minutes of the August 27, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Consent Agenda

RS-19-079 Consider a memorandum/resolution approving the Killeen Arts Commission grant recommendations for FY 2020.

RS-19-084 Consider a memorandum/resolution to amend the Rules and Procedures for the Capital Improvements Advisory Committee.

RS-19-085 Consider a memorandum/resolution approving the investment report for the quarter ended June 30, 2019.

RS-19-086 Consider a memorandum/resolution accepting three (3) Federal Aviation Administration Airport Improvement Program (AIP) Grants.

- RS-19-088** Consider a memorandum/resolution authorizing a lease agreement for cardiovascular equipment at the Family Recreation Center.
- RS-19-089** Consider a memorandum/resolution authorizing a Memorandum of Understanding with the Mounted Warfare Foundation.
- RS-19-090** Consider a memorandum/resolution authorizing a contract with The Brandt Companies, LLC for replacement of HVAC units at Killeen City Hall Annex and the Killeen Police Department.
- RS-19-091** Consider a memorandum/resolution ratifying the expenditures for HVAC replacement with The Brandt Companies, LLC for various HVAC units at city facilities.
- RS-19-092** Consider a memorandum/resolution authorizing the procurement of portable radios for the Police Department.
- RS-19-093** Consider a memorandum/resolution for an Interlocal Automatic Aid Agreement with Southwest Bell County Volunteer Fire Department for fire and EMS services.
- RS-19-094** Consider a memorandum/resolution authorizing a Memorandum of Understanding with Central Texas Regional Advisory Council.
- RS-19-095** Consider a memorandum/resolution adopting 2019-2020 Federal Legislative Principles.
- RS-19-096** Consider a memorandum/resolution appointing members to various citizen boards and commissions.
- OR-19-017** Consider an ordinance repealing certain exterior architectural standards in accordance with approved House Bill 2439.
The City Secretary read the caption of the ordinance.
AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN PROVIDING FOR THE REPEAL OF CERTAIN EXTERIOR ARCHITECTURAL STANDARDS, PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE..

Motion was made by Mayor Pro Tem Kilpatrick to approve consent agenda items. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Resolutions

- RS-19-097** Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 24.3 acres of land lying contiguous to the existing city limits and being located south of the Renick Ranch Subdivision, Killeen, Texas.
Staff Comments: Ray Shanaa, Executive Director of Planning.

The planning department has received a voluntary annexation petition from Mesa Verde Developers, L.P. and Tara Campbell. The property is located south of the Renick Ranch Subdivision. In accordance with Local Government Code sections 43.028(d) and 43.065, City Council has two alternatives: 1) refuse the voluntary petition; or 2) grant the voluntary petition and direct the City Manager to prepare a service plan that provides for the extension of full municipal services to the area to be annexed. If granted, there will be public hearings scheduled on October 8th and 22nd, followed by an opportunity to adopt the annexation ordinance and approve a service plan on November 12th. Staff recommends that the City Council hear the petition and the arguments for and against the annexation and decide whether to refuse or grant the petition.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-097, granting the petition for voluntary annexation. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Harris in opposition.

RS-19-098 Consider a memorandum/resolution acknowledging the retirement of City Manager Ronald Olson and appointing an Interim City Manager.

Comments: Eva Bark, Executive Director of Human Resources

Ronald Olson has submitted his letter of retirement as City Manager of the City of Killeen, Texas, effective October 1, 2019. A new City Manager is not expected to be appointed until after this date. Therefore, an Interim City Manager will be necessary to carry out the duties of the office of the City Manager.

Motion was made by Councilmember Nash-King to approve RS-19-098, appointing Mr. David Ellison as Interim City Manager. Motion was seconded by Councilmember Menking. Motion carried unanimously.

Public Hearings

PH-19-034 **HOLD** a public hearing on the FY 2020 Proposed Annual Budget and Plan of Municipal Services of the City of Killeen. (2nd of 2 Public Hearings)

Staff Comments: Jon Locke, Executive Director of Finance.

The City Charter requires a public hearing be held after the City Council increases or decreases items of the proposed budget. At the September 3, 2019 City Council meeting, the City Council proposed changes to the FY 2020 Proposed Budget. Staff recommends City Council hold a public hearing on September 10, 2019 on the proposed budget changes.

Mayor Segarra opened the public hearing.

Holly Teel addressed her concerns with the proposed budget.

Dennis Drury addressed his concerns with the proposed budget.

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

Mayor Segarra announced that City Council set the date of September 17, 2019 to adopt the FY 2020 Proposed Budget, the meeting will start at 5:00 p.m. and will be held at 101 N. College Street, Killeen, Texas.

PH-19-035 HOLD a public hearing on the preliminary tax rate of \$0.7498 for the fiscal year beginning October 1, 2019, and ending September 30, 2020, and announce the meeting to adopt the tax rate on September 17, 2019. (2nd of 2 Public Hearings)

Staff Comments: Jon Locke, Executive Director of Finance.

On August 20, 2019, City Council set the preliminary tax rate at \$0.7498 per \$100 valuation and adopted a resolution scheduling the adoption of the tax rate for September 17, 2019, and setting public hearings for September 3, 2019, and September 10, 2019, on the preliminary tax rate for the FY 2020 Proposed Annual Budget. The effective tax rate for FY 2020 is \$0.6788. The rollback tax rate adjusted for sales tax for FY 2020 is \$0.7588. Since the preliminary tax rate was set above the effective tax rate, Texas Property Tax Code requires that two public hearings be held prior to the adoption of the final tax rate. On September 3, 2019, the City Council held the first of two public hearings required by Texas Property Tax Code. Staff recommends the City Council conduct the second of two public hearings to receive comments on the preliminary tax rate of \$0.7498 per \$100 valuation for the fiscal year beginning October 1, 2019, and ending September 30, 2020, and announce the meeting to adopt the tax rate on September 17, 2019.

Mayor Segarra opened the public hearing.

Holly Teel addressed her concerns on the tax rate.

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

Mayor Segarra announced that this was the second and final public hearing on the proposed tax rate. The meeting to adopt the tax rate will be held on September 17, 2019 at 5:00 p.m. at 101 N. College Street, Killeen, Texas.

PH-19-031 HOLD a public hearing and consider an ordinance requested by True Fountain, L.L.C. on behalf of Full Gospel Church (**Case #Z19-17**), to rezone approximately 19.566 acres, being out of the J.E. Maddera Survey, Abstract No. 600, from "A-R1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 5603 Bunny Trail, 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 19.566 ACRES, BEING PART OF THE J.E. MADDERA SURVEY, ABSTRACT NO. 600, FROM "A-R1" (AGRICULTURAL 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.

On August 27th, the City Council approved a FLUM amendment of this property from 'Suburban Residential' ('SR') to General Residential ('GR'). Based on the City Council's previous action on the 27th, the applicant's request is consistent with the FLUM. Staff notified one hundred and three (103) surrounding property owners within a four hundred feet (400') notification boundary. Staff has received nine (9) responses in opposition of the request from surrounding property owners. During the initial public hearing on this matter at the August 5th Planning and Zoning Commission meeting, the applicant stated that they would consider revising their request to reduce the amount of land area being considered for "R-2" zoning. At the August 19th Planning and Zoning Commission meeting, the applicant submitted a request illustrating 8.3 acres of proposed "R-2" zoned property and 11.2 acres of proposed "R-1" zoned property. Based on the requested amendment, the Planning and Zoning Commission recommended approval of the dual "R-1" and "R-2" zoning concept submitted by the applicant. On September 3rd, the applicant informed the Planning staff that they would like City Council's consideration of the entire property for "R-2" zoning. Staff does not support "R-2" zoning for the subject property and recommends disapproval of the request. The Planning and Zoning Commission recommended approval of the dual zoning concept by a vote of 3 to 2, with Commissioners Gukeisen and Ploeckemann being opposed to the motion.

Mayor Segarra invited the applicant to speak.

Sana Vinson – spoke in support of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Pro Tem Kilpatrick to approve PH-19-031 as "R-1" Zoning. Motion was seconded by Councilmember Menking. Motion was amended by Councilmember Johnson to approve PH-19-031 as originally requested and approved by Planning and Zoning Commission being split "R-1 and R-2" Motion was seconded by Councilmember Fleming. Amended motion failed 3 to 4 with Mayor Pro Tem Kilpatrick, Councilmember Rivera, Councilmember Harris and Councilmember Nash-King in opposition. Applicant requested to withdraw their request for consideration. Mayor Pro Tem Kilpatrick made a motion to table PH-19-031. Motion was seconded by Councilmember Menking. Motion to table PH-19-031 carried unanimously.

City Council returned to PH-19-031 to hear the applicant who advised that the proposed "R-1" Zoning was acceptable. Motion was made by Mayor Pro Tem Kilpatrick to approve PH-19-031 as "R-1" Zoning. Motion was seconded by Councilmember Nash-King. Motion carried 5 to 2 with Councilmember Fleming and Councilmember Harris in opposition.

PH-19-032 HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc. (**Case #Z19-15**) to rezone approximately 76.983 acres, out the James Cook Survey, Abstract No. 161, from "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District), "SF-2" (Single-Family Residential District) and

"R-2" (Two-Family Residential District). The property is addressed as 5601 Clear Creek Road, 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 APPROXIMATELY 76.983 ACRES OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM "B-3" (LOCAL BUSINESS DISTRICT) AND "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "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.

The applicant's request is consistent with the FLUM. Staff notified nine (9) surrounding property owners within a four hundred feet (400') notification boundary. Staff has received no responses from surrounding property owners. Staff recommends approval of the applicant's zoning request. The Planning and Zoning Commission recommended approval of the applicants zoning request (as submitted) by a vote of 3 to 2, with Commissioners Gukeisen and Ploeckelmann being opposed to the motion.

Mayor Segarra invited the applicant to speak.

Gary Purser – spoke in support of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Nash-King to approve PH-19-032. Motion was seconded by Councilmember Rivera. Motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.

PH-19-033 HOLD a public hearing and consider an ordinance requested by Todd and Judenia Wilson (**Case #Z19-18**) to rezone Lot 34, Block 1, Deerwood Estates, from "R-1" (Single-Family Residential District) to "R-1" (Single-Family Residential District) with a Conditional Use Permit (CUP) for a detached guest house. The property is addressed as 4901 Deerwood Loop, Killeen, Texas.

Prior to the City Secretary reading the caption, Ms. Vinson, the applicant from PH-19-031, advised that she would be acceptable to the proposed "R-1" Zoning and would like for City Council to readdress the agenda item.

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, DEERWOOD ESTATES, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-1" (SINGLE-FAMILY

RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR A DETACHED GUEST HOUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning.

The applicant's request is consistent with the FLUM. Staff notified twenty-five (25) surrounding property owners within a four hundred feet (400') notification boundary. Staff has received two (2) responses in support of the request from surrounding property owners. Staff recommends that the City Council approve the applicant's request. The Planning and Zoning Commission recommended approval of the applicant's CUP request (by a vote of 4 to 0) with the following conditions: all required zoning setbacks will be met; the proposed structure will only be utilized for recreation, a pool house, and for lawn care equipment storage; the structure shall be placed on the lot and built as illustrated; and the rental or lease of the proposed guest house shall be prohibited.

Mayor Segarra invited the applicant to speak.

Mr. Todd Wilson – spoke in support of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Harris to approve PH-19-033. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Harris, and unanimously approved, the meeting was adjourned at 6:30 p.m.