

City of Killeen
Regular City Council Meeting
Killeen City Hall
December 12, 2017 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

Also attending were City Manager Ronald L. Olson, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Gilman.

Councilmember Harris gave the invocation, and Councilmember Rivera 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 seconded by Councilmember Fleming. The motion carried unanimously.

Citizens Petitions

This request was withdrawn.

CP-17-006 Robert Nash (1702 N. 8th Street) - Police Department Presence

Minutes

Motion was made by Councilmember Rivera to approve the minutes of the November 28th Regular City Council Meeting. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

Resolutions

RS-17-118 Consider a memorandum/resolution authorizing the procurement of ammunition for training and duty use for the Police Department.

Staff comments: Police Chief Kimble

The Police Department is requesting authority to purchase ammunition from GT Distributors, Inc. in an amount exceeding the \$50,000 for which Council approval is required. GT Distributors, Inc. is the only authorized law enforcement vendor in Texas for Vista Outdoors, Inc., the parent company for Federal Premium and Speer Ammunition. The city staff recommends that the City Manager be authorized to execute the purchase of ammunition from GT Distributors, Inc. through the TASB State BuyBoard and Texas Smart Buy purchasing cooperatives, and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Rivera to approve RS-17-118. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-119 Consider a memorandum/resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for reimbursable STEP grant funds.

Staff comments: Police Chief Kimble

TxDOT has authorized a grant to the City of Killeen for the purpose of conducting a combined traffic enforcement program that targets driving while intoxicated, seat belt and child safety seat, speeding, intersection traffic control, and distracted driving. If accepted, the City of Killeen is obligated to provide matching funds in the amount of \$73,947.44. Staff recommends the council approve the City Manager to accept the FY18 TxDOT Special Traffic Enforcement Program grant funds.

Motion was made by Councilmember Johnson to approve RS-17-119. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-17-120 Consider a memorandum/resolution authorizing the City Manager to accept grant funding from the Petco Foundation for the Police Department's Animal Services Unit adoption preparation program.

Staff comments: Police Chief Kimble

This grant will allow ASU (Animal Services Unit) to spay/neuter and vaccinate as many animals prior to adoption as possible. When an animal cannot be vetted prior to adoption, a special voucher will be issued to the new owner that can be redeemed through preapproved sources to have the required sterilization and vaccination services performed. Additionally, the grant will fund efforts to promote ASU adoption programs. The city staff recommends that the City Manager be authorized to accept the grant funding allocated by the Petco Foundation, which will be managed and tracked by the Animal Services Unit, in collaboration with the Finance Department, to aid the shelter's adoption program.

The City Council agreed to allowed citizens to speak on this item.

George Fox, 1906 Hooter St. – suggested the city aggressively pursue other grants that would cover all animal issues in the city for animal control.

Kathy Kwerian, 2910 Poplar, Kempner – spoke in favor of accepting the grant.

Linda Marzi, 1514 Rose Ave – wants to see spay/neuter before adoption.

Motion was made by Councilmember Fleming to approve RS-17-120. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-121 Consider a memorandum/resolution authorizing the purchase of uniforms for the Fire Department.

Staff comments: Fire Chief Brank

Each year the Fire Department does a cost comparison between several vendors and orders the necessary uniforms from the vendor with the lowest cost for each item. This year Miller Uniforms & Emblems provided the best cost for uniforms. Staff recommends the City Council authorize the purchase of uniforms from Miller Uniforms & Emblems through the remainder of their Buyboard Cooperative Contract expiring March 31, 2020, for items which they provide at the lowest cost.

Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-17-121. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-17-122 Consider a memorandum/resolution authorizing the purchase of consumable medical supplies for the Fire Department.

Staff comments: Fire Chief Brank

Each year the Fire Department does a cost comparison between several vendors and orders the necessary items for the EMS crews from the vendor having the lowest cost for each item. This year Bound Tree Medical provided the best cost for most of these consumable supplies. Staff recommends the City Council authorize the purchase of medical supplies from Bound Tree Medical through the remainder of their Buyboard Cooperative Contract for items which they provide at the lowest cost.

Motion was made by Councilmember Rivera to approve RS-17-122. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-123 Consider a memorandum/resolution approving use of a Request for Proposal (RFP) for the selection of a vendor to redevelop the City's primary website and to develop a companion mobile app.

Staff comments: Hilary Shine

The City's primary website, KilleenTexas.gov, designed in 2009, serves in delivering services and information to the public. The current site does not meet modern standards and requires a complete redevelopment in order to serve organizational and public needs. Redevelopment of the website today is necessary to support current usage, to improve appearance and customer experience, to comply with federal regulations and industry standards, and to create capacity for future web-based services. Staff recommends that City Council find that the RFP process will provide the best value to the City for the redevelopment of the City's website and authorize staff to proceed with issuing the RFP.

Motion was made by Councilmember Johnson to approve RS-17-123. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-17-124 Consider a memorandum/resolution authorizing the City Manager to execute an amendment to a previously approved advance funding agreement (AFA) amendment with the Texas Department of Transportation (TxDOT) to design and construct an extension to Rosewood Drive and Heritage Oaks Hike and Bike Trail, Segment 3.

Staff comments: David Olson

On March 22, 2016, the City Council authorized the City Manager to enter into an Advance Funding Agreement with TxDOT for the design and construction of an extension to Rosewood Drive and Heritage Oaks Hike and Bike Trail Segment 3. Additional funds have become available from KTMPO (Killeen-Temple Metropolitan Planning Organization). This amendment represents the addition of \$356,414 in federal funding for the referenced project. City staff recommends that the City Council authorize entering into an Advance Funding Agreement Amendment with the Texas Department of Transportation for the Surface Transportation Program Metropolitan Mobility and further authorize the City Manager to execute the same.

Motion was made by Councilmember Rivera to approve RS-17-124. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1 with Councilmember Fleming opposing.

Public Hearings

PH-17-050A Consider a memorandum/resolution authorizing the acceptance of the Rifle-Resistant Body Armor Grant through state funding for the Police Department to purchase rifle-resistant body armor.

PH-17-050B HOLD a public hearing and consider an ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the acceptance of Rifle-Resistant Body Armor Grant Program funds.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2018 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING REVENUE AND EXPENDITURE ACCOUNTS FOR THE ACCEPTANCE OF RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Police Chief Kimble and Jonathan Locke

The Police Department is requesting authority to accept \$127,350 in grant funding from the Office of the Governor, Criminal Justice Division, to purchase 225 units of rifle-resistant body-armor from GT Distributors, Inc. through a state purchasing cooperative. The city staff recommends that the city manager be authorized to accept the grant funds and execute the purchase of body armor from GT Distributors, Inc. through the TASB State BuyBoard and that the City Manager or designee is authorized to execute any and all change orders within the amounts set by state and local law. Accepting this grant funding requires a budget amendment and staff recommends the City Council approve the ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the acceptance of Rifle-Resistant Body Armor Grant Program funds.

Mayor Segarra opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-17-050A & 050B. Motion was seconded by Councilmember Harris. Motion carried unanimously.

PH-17-051 HOLD a public hearing and consider an ordinance requested by Furman Moore, on behalf of Andrew Straughn, (Case #Z17-25) to rezone approximately 0.270 acre, being Lot 15A, Block 1, of the De Ann Subdivision Replat, from “B-5” (Business District) to “R-3F” (Multifamily Residential District). The property is generally located on the west side of Courtney Lane, approximately 200 feet northeast of the intersection with Shawn Drive, and is locally known as 3103 Courtney Lane, 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “B-5” (BUSINESS DISTRICT) TO “R-3F” (MULTI-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The applicant is requesting to rezone the property to “R-3F” in order to bring the current use into a conforming status and thereby obtain financing for the sale of the property. This zoning request is consistent with the Comprehensive Plan. Staff notified sixteen (16) surrounding property owners regarding this request and received no protests. Staff finds that the request for “R-3F” is consistent with the character of the area and would have no adverse impacts on the surrounding properties. Given that the property is currently being used as a quadplex, the proposed zoning change would serve to bring the existing nonconforming use into conformance with the City’s zoning regulations. Therefore, staff recommends approval of the requested “R-3F” zoning. The Planning and Zoning Commission recommended approval of “R-3F” by a vote of 6 to 1.

Mayor Segarra opened the public hearing.

Mr. Moore, 1406 Raw Hide, Copperas Cove – Realtor. Was present to answer questions if need be. With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Johnson to approve PH-17-051. Motion was seconded by Councilmember Fleming . Motion carried unanimously.

PH-17-052 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., (Case #Z17-29) to rezone approximately 1.414 acres out of the Thomas Robinett Survey, Abstract No. 686 from “A-R1” (Agricultural Single-family Residential District) to “B-3” (Local Business District). The property is located on the south right-of-way of West Elms Road, east of 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “A-R1” (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This zoning request is consistent with the Comprehensive Plan. Staff notified property owners of the three (3) surrounding properties that are within 200 feet of the subject site regarding this request. As of the date of this report, no responses have been received. Staff recommends approval of the request to rezone from “A-R1” (Agricultural Single-

family Residential District) to “B-3” (Local Business District). The request is consistent with the ‘General Residential’ designation on the Future Land Use Map, which allows for neighborhood scale commercial uses in appropriate locations. Staff is of the determination that the subject area’s frontage on West Elms Road makes it a suitable location for the proposed “B-3” (Local Business District) zoning. The Planning and Zoning Commission recommended approval of “B-3” zoning by a vote of 6 to 0.

Mayor Segarra opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-17-052. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-17-053 HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf RSBP Developers, Inc. (Case #Z17-28) to rezone approximately 1.738 acres being part of the W. E. Hall Survey, Abstract No. 1116 from “B-3” (Local Business District) to “R-1” (Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road 3,200 feet east of East Trimmier 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “B-3” (LOCAL BUSINESS DISTRICT) TO “R-1” (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This zoning request is not consistent with the Comprehensive Plan. However, staff is of the determination that approval of the request will not significantly impact the character of the area due to its relatively small size. The property to the north and east of the subject parcel is currently zoned “R-1”; so this request is in keeping with the adjacent zoning. Staff notified property owners of the three (3) surrounding properties that are within 200 feet of the subject site. As of the date of this report, no responses have been received. Staff recommends approval of the request to rezone from “B-3” (Local Business District) to “R-1” (Residential Single-Family District). Although the proposed “R-1” zoning district is not consistent with the ‘Suburban Residential’ classification on the City’s Future Land Use Map, the proposed zoning is consistent with the adjacent “R-1” district to the north and east. Staff finds that reverting back to “R-1” will be in keeping with the character of the approved Heritage Oaks Phase Two plat and will not substantially impact the character of the area. The Planning and Zoning Commission recommended approval of “R-1” zoning by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

Michelle Lee, 2901 E. Stan Schlueter – encouraged council to approval of request.
With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-17-053. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

PH-17-054 HOLD a public hearing and consider an ordinance requested by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., (Case#Z17-27) to rezone approximately 0.080 acre, being out of the West Killeen Market Subdivision, Block A, Lot 2, from “B-5” (Business District) to “B-3A” (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located at 1103 Old FM 440, Killeen, Texas. The property houses the existing West Killeen Market.

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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “B-5” (BUSINESS DISTRICT) TO “B-3A” (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This zoning request is consistent with the Comprehensive Plan. Staff notified property owners of the seven (7) surrounding properties that are within 200 feet of the subject site. Staff recommends approval of the rezone request from “B-5” (Business District) to “B-3A” (Local Business and Retail Alcohol Sales District). The subject site meets the “B-3A” zoning district requirements of a 10,000 square foot minimum lot size, and the exterior walls of the building fronting and siding up to public streets meet the “B-3A” zoning district architectural design standards of 50% brick, native stone, or stucco. There are no existing churches, public/private schools, or public/private hospitals within 300 feet of the subject site as measured utilizing the standard articulated in TABC Section 109.33. The Planning and Zoning Commission recommended approval of “B-3A” of zoning by a vote of 6 to 1.

Mayor Segarra opened the public hearing.

Chessie Zimmerman, Stratus Properties, 212 Lavaca, Austin – owner representative. Available for questions.

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

Motion was made by Councilmember Okray to approve PH-17-054. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-17-055A HOLD a public hearing and consider an ordinance requested by Payton E. Duncan (FLUM#17-26) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from ‘Estate’ to a ‘General Residential’ designated area for approximately 54.226 acres, being part of the W. H. Cole Survey, Abstract No. 200. The subject property is addressed as 405 Tower Hill Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'ESTATE' TO 'GENERAL RESIDENTIAL' FOR 54.226 ACRES OUT OF THE W. H. COLE SURVEY, ABSTRACT NO. 200, BEING LOCALLY KNOWN AS 405 TOWER HILL LANE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This FLUM amendment request conforms to the city's policy as detailed in the Comprehensive Plan. The Planning and Zoning Commission recommended approval of the requested FLUM amendment by a vote of 5 to 2. Concerns from P&Z were expressed over public safety and the unquantified public cost over providing services to the area. The requested FLUM amendment is consistent with historic development trends in this corridor and is not out of character with the adjacent single-family development.

Mayor Segarra opened the public hearing.

Ronald Parker, 606 N. 10th St – Owner representative. Requested council support of the request. With no one else appearing, the public hearing was closed.

Motion was made by Mayor Pro-Tem Kilpatrick to approve PH-17-055A. Motion was seconded by Councilmember Rivera. Motion carried 5 to 2 with Councilmember Harris and Councilmember Fleming opposing.

PH-17-055B HOLD a public hearing and consider an ordinance requested by Payton E. Duncan, (Case #Z17-26) to rezone approximately 46.196 acres from "A" (Agricultural District) to "R-1" (Single-Family Residential District), 7.487 acres from "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential) housing and 0.543 acre from "CD" (Cemetery District) to "CD (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential) housing for a total of approximately 54.226 acres out of the W. H. Cole Survey, Abstract No. 200. The property is locally known as 405 Tower Hill Lane, 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "UD" (UNIVERSITY DISTRICT) AND "CD" (CEMETERY DISTRICT) TO "UD" (UNIVERSITY DISTRICT) AND "CD" (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) HOUSING AND FROM "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This zoning request is not consistent with the Comprehensive Plan, but the Planning and Zoning Commission recommend (5 to 2 vote) for a FLUM amendment to ‘General Residential’. Staff notified eighty-six (86) surrounding property owners; no protests have been received. By a vote of 5 to 2, the Commission recommended approval of “R-1” of zoning for the 40.026 acres, as well as the “A-R1” (Agricultural Single-Family Residential District) zoning for approximately 6.17 acres of land. Additionally, the Commission recommended approval of a Conditional Use Permit (CUP) (for single family residential use, only) for any portion of any residential lot developed within the University and/or Cemetery Districts for this property. Specifically, the westernmost row of housing that is developed along the western property boundary (i.e. the area abutting Splawn Ranch Phase Five) shall be subject to the following conditions:

- An average lot size of 8,600 square feet, with a 70’ average lot width (as measured from the 25’ front building line)
- Same yard setbacks as in “R-1”
- Landscaping to match the current “SR-1”
- 90% stone, stucco, brick only on all floors/ stories and all four sides excluding gables, eaves, windows, doors, etc.

All other single-family housing (excluding the westernmost row of housing) developed within the “UD” and “CD” will satisfy the height and lot area requirements of the “R-1” zoning district. The dissenting Commissioners expressed concerns over public safety, public infrastructure, density and ingress/egress to the site.

Mayor Segarra opened the public hearing.

Ronald Parker, 606 N. 10th St. – Owner representative. Requested council support the request. With no one else appearing, the public hearing was closed.

Motion was made by Mayor Pro-Tem Kilpatrick to approve PH-17-055B. Motion was seconded by Councilmember Rivera. Motion carried 5 to 2 with Councilmember Harris and Councilmember Fleming opposing.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:12 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary