

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
July 12, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Richard Young

Also attending were Interim City Manager Lillian Ann Farris, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Johnson.

Councilmember Okray gave the invocation, and Councilmember Young led everyone in the Pledge of Allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Rivera. The motion carried unanimously.*

### **Minutes**

*Motion was made by Councilmember Kilpatrick to approve the minutes of the June 28th Regular City Council Meeting. Motion was seconded by Councilmember Young. Motion carried unanimously.*

### **Resolutions**

**RS-16-074** Consider a memorandum/resolution accepting a Defense Economic Adjustment Assistance Grant (DEAAG) agreement.

**Staff comments:** Matthew Van Valkenburgh

Staff recommends that the City Council accept the Office of the Governor DEAAG in the amount of \$3,475,000, which will fund 65% of the cost of the project for the repair and rehabilitation of the Army Radar Approach Control (ARAC) at Robert Gray Army Airfield, and ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements incorporated into this grant agreement, authorize the City Manager to execute the agreement and all necessary grant documents, and expressly authorize the City Manager to execute any and all amendments within the amounts set by state and local law

*Motion was made by Councilmember Kilpatrick to approve RS-16-074. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-16-075** Consider a memorandum/resolution appointing an independent auditor for the fiscal year ending September 30, 2016.

**Staff comments:** Amanda Wallace

City staff and the Audit Committee recommend that Weaver LLP be engaged to perform the annual independent audit for the City of Killeen for the fiscal year ending September 30, 2016, and that the City Manager be authorized to contract for professional services provided by Weaver LLP, to include the approval of any necessary change orders meeting state law and charter requirements.

*Motion was made by Mayor Pro-Tem Moore to approve RS-16-075. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-16-073** Consider a memorandum/resolution providing a temporary salary adjustment to Interim City Manager Lillian Ann Farris. (Tabled from June 28, 2016 Regular Council Meeting)

**Staff comments:** Eva Bark

During the time that Dr. Farris acts as Interim City Manager, it is recommended she receive the following salary and benefits:

- \$178,532.58 annual salary, paid in equal monthly installments;
- \$12,000 annual contribution to Deferred 457 Retirement Plan, paid in equal monthly installments;
- \$6,000 annual car allowance, paid in equal monthly installments;
- All other benefits to which other city employees may be entitled.

All salary and benefits shall be paid and accrued retroactively to April 5, 2016, and shall continue until 24 hours preceding the reporting date of the next City Manager, at which time she will revert to the position and associated salary and benefits of Assistant City Manager-Internal Services.

It is recommended that salary and benefits discussed above be approved, effective April 5, 2016, and continue until 24 hours preceding the reporting date of the next City Manager.

Roy T. Sampson, 4706 Teal Dr. – requested to speak and spoke in favor of temporary salary adjustment.

Councilmember Okray read a memorandum for record. See attached.

Councilmember Fleming stated for the record that Dr. Farris is doing a great job, but is concerned about giving raises prior to looking at the budget in depth and concluding where the city's money is going or has gone. Councilmember Fleming recommends an outside audit be done.

Councilmember Johnson stated for the record that he would like to table this item until the city's finances are in order.

*Motion was made by Councilmember Johnson to disapprove RS-16-073. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 2 with Councilmember Okray and Mayor Pro-Tem Moore opposing.*

**RS-16-076** Consider a memorandum/resolution to allow the carrying of concealed handguns at the City's open meetings by no longer posting notice.

**Staff comments:** Traci Briggs

A consensus was reached in January that the *concealed* carrying of handguns would not be allowed at meetings required to be posted by the Texas Open Meetings Act. At its meeting of July 5th, the City Council directed staff to bring forward a resolution to consider no longer posting notice, thereby allowing concealed handguns to be carried at its meetings. It is recommended that signs no longer be posted prohibiting the concealed carrying of handguns at open meetings of the city.

James Ralston, 408 Yates Rd. – requested to speak and spoke in favor of resolution.

*Motion was made by Councilmember Okray to approve RS-16-076. Motion was seconded by Councilmember Young. Motion carried 6 to 1, with Councilmember Rivera opposing.*

**RS-16-077** Consider a memorandum/resolution to allow the open carrying of handguns at the City's open meetings by no longer posting notice.

**Staff comments:** Traci Briggs

At its meeting of July 5, 2016, the City Council directed staff to bring forward a resolution to consider no longer posting notice of no handguns during meetings, thereby allowing *open carry* of handguns at its meetings. It is recommended that signs no longer be posted prohibiting the open carry of handguns at open meetings of the city.

*Motion was made by Councilmember Young to approve RS-16-077. Motion was seconded by Councilmember Okray. Motion carried 6 to 1 with Councilmember Rivera opposing.*

### Ordinances

**OR-16-009** Consider an ordinance granting a gas franchise to Atmos Energy Corporation. (2nd of 3 readings)

City Secretary read the caption of the ordinance.

**AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.**

**Staff comments:** Traci Briggs

The City Charter requires three (3) readings of a franchise ordinance, and the last reading must be not less than 30 days from the first. The three readings will be June 14, July 12, and July 26. A franchise does not take effect until 60 days after passage. It is proposed that this ordinance be effective October 1, 2016. Staff recommends the City Council approve the proposed franchise ordinance.

*Motion was made by Councilmember Okray to approve OR-16-009, the 2<sup>nd</sup> reading of the ordinance. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

### Public Hearings

**PH-16-021** HOLD a public hearing and consider an ordinance requested by Joaquin Carrasquillo to rezone approximately 0.5 acre, being part of the T. Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) for an insurance office. The property is located between W. Elms Road and Janelle Drive, approximately 1,177 feet west of Winfield Drive, 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

The applicant is requesting rezoning for an insurance office to be allowed. The staff notified four (4) surrounding property owners regarding this request. Staff has received no responses. The Planning & 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-16-021. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-16-022** HOLD a public hearing and consider an ordinance requested by the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust to rezone 13.556 acres out of the R. Cunningham Survey, Abstract No. 199 from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “R-2” (Two-Family Residential District) and “R-3F” (Multifamily Residential District) uses for a Housing Tax Credit (HTC) eligible project named Hyde Estates. The property is located along the east right-of-way of Cunningham Road, approximately 600’ south of its intersection with E. Stan Schlueter Loop (FM 3470).

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 R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH R-2 (TWO FAMILY RESIDENTIAL DISTRICT) AND R-3F (MULTIFAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified fifty-seven (57) surrounding property owners regarding this request. Staff received a protest from the owner of 3613 Crosscut Loop. Additionally, the owner of 5118 Spring Drive spoke in opposition to the request. The owner of 4600 Cunningham Road submitted a response in support of the project.

The Planning & Zoning Commission recommended approval of the applicant’s PUD zoning request by a vote of 4 to 2. The Planning and Zoning Commission recommends the following conditions as part of the approval:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans;
- the applicant shall match or exceed the façade standards as prescribed by the Texas Department of Housing and Community Affairs 2016 Qualified Allocation Plan

(QAP); the QAP requires greater than 30 percent stucco or masonry (includes stone, cultured stone, and brick but excludes cementitious siding) on all building exteriors; the percentage calculation may exclude exterior glass entirely;

- the applicant shall provide a minimum of four different color variations within the project;
- all buildings shall be one-story with the exception of those buildings containing 4-bedroom units;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 68 trees, 204 shrubs and screening around the north, east and south project boundaries;
- the applicant shall provide two play areas, each to include universal designed, ADA compliant equipment, as illustrated on the site plan;
- the applicant shall provide an interior sidewalk plan subject to City Council review and approval;
- the applicant shall meet all Hill Country transit (HOP) guidelines and specifications for the bus stop shelter illustrated on the site plan; and
- the applicant shall satisfy City Code for trash receptacles.

Mr. Quintero, Quintero Engineering - addressed a concern regarding egress and ingress.

Mayor Segarra opened the public hearing.

Darlene Golden, 711 Alexander St. – spoke in favor of request.  
With no one else appearing the public hearing was closed (6:25).

*Motion was made by Councilmember Johnson to approve PH-16-022. There was no second to the motion.*

Several citizens asked the Mayor to reopen the public hearing. With the Councilmembers approval, Mayor Segarra reopened the public hearing at 6:26.

Ian Tollen, 4806 Leaning Oak Dr. – spoke against request to rezone.

JoAnn Brooks, 4109 Windwood Dr. – spoke against request to rezone.

Diane Sims, 4802 Leaning Oak Dr. – spoke against request to rezone.

William Contrell, 4205 Windwood Dr. – spoke against request to rezone.

Mike & Kathy Cornett, 5115 Spring Dr. – spoke against request to rezone.

Howard Davis, 4105 Lost Oak Dr. – spoke against request to rezone.

Karen Wilson, 4103 Lost Oak Dr. – spoke against request to rezone.

Mark Clifford, 1006 San Antonio St. - concerned about the width of the streets and the ability for emergency vehicles to maneuver.

Pam Pagan, 4800 English Dr. - spoke against request to rezone.

With no one else appearing, the public hearing was closed at 6:40.

Art Schudt, Architect, Housing Solutions Alliance - explained how this property was chosen and what criteria were used to put this development on this property.

After much discussion, *Councilmember Johnson withdrew his motion and made a motion to table this item until the next workshop for discussion and the following regular council meeting for action. Motion was seconded by Councilmember Rivera. Motion carried 5 to 2 with Councilmember Okray and Mayor Pro-Tem Moore in opposition.*

Mayor Segarra called for a ten minute recess at 7:10.  
Mayor Segarra reconvened the meeting at 7:27.

**PH-16-023A** HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Commercial' to 'General Residential' (FLUM# Z16-10) for approximately 10.89 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located on the west side of Trimmier Road between Deorsom Loop and Judy Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 10.89 ACRES, BEING PART OF THE AZRA WEBB SURVEY, ABSTRACT NO. 857, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The applicant has submitted a concurrent request to rezone the subject property from "B-3" (Local Business District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District) uses.

The Planning and Zoning Commission recommended approval of the applicant's request for an amendment of the Future Land Use Map (FLUM) from 'Suburban Commercial' to 'General Residential' by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

Kathy Harkin, 6607 Rein Dr. – spoke against the request to amend the FLUM and stated that she is opposed to the following three requests as well.

Gary Purser, 6503 Wells Fargo – addressed Ms. Harkin's concerns regarding safety for school children. With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-16-023A. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**PH-16-023B** HOLD a public hearing and consider an ordinance requested by Killeen BES, Ltd., Killeen EGS Property, Ltd., and Bentina Ltd. (Case #Z16-10) to rezone approximately 10.89 acres, out of the Azra Webb Survey, Abstract No. 857, from "B-3" (Local Business District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District) uses. The property is located on the west side of Trimmier Road between Judy Drive and Deorsam Loop, 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 A PLANNED UNIT DEVELOPMENT (PUD) WITH SF-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified seventy-two (72) surrounding property owners regarding this request. Staff has received no responses. The Planning & Zoning Commission recommended approval of the PUD with the requested "SF-2" modifications by a vote of 5 to 1.

Mayor Segarra opened the public hearing.

Gary Purser, 6503 Wells Fargo - discussed placement and width of sidewalks and addressed the size/width that streets can be built.

With no one appearing the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-16-023B. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.*

**PH-16-024A** HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' to 'General Residential' (FLUM# Z16-11) for approximately 5.81 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located on the west side of Trimmier Road between Constellation Drive and Atlas Avenue, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 5.81 ACRES, BEING PART OF THE AZRA WEBB SURVEY, ABSTRACT NO. 857, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The Planning and Zoning Commission recommended approval of the applicant's request for an amendment of the Future Land Use Map (FLUM) from 'General Commercial' to 'General Residential' by a vote of 5 to 1.

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

*Motion was made by Councilmember Kilpatrick to approve PH-16-024A. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**PH-16-024B** HOLD a public hearing and consider an ordinance requested by Killeen BES, Ltd., Killeen EGS Property, Ltd., and Bentina Ltd. (Case #Z16-11) to rezone approximately 5.81 acres, out of the Azra Webb Survey, Abstract No. 857, from "B-5" (Business District) to "R-2" (Two-Family Residential District). The property is located on the west side of Trimmier Road between Constellation Drive and Atlas Avenue, 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-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

The staff notified thirty-four (34) surrounding property owners regarding this request. Staff has received one response in support of ‘R-2’ zoning in this area.

The Planning & Zoning Commission recommended approval of “R-2” zoning by a vote of 5 to 1.

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

*Motion was made by Mayor Pro-Tem Moore to approve PH-16-024B. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Moore, seconded by Councilmember Fleming, and unanimously approved, the meeting was adjourned at 8:00 p.m.

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Jose L. Segarra, Mayor

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Dianna Barker, City Secretary