

City of Killeen
City Council Meeting
Killeen City Hall
December 6, 2022 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Mayor Protem Ken Wilkerson (arrived 5:01 p.m.), Councilmembers Jessica Gonzalez, Riakos Adams, Michael Boyd, Jose Segarra, Nina Cobb (arrived 5:02 p.m.), and Ramon Alvarez

Also attending were City Manager Kent Cagle, City Attorney Holli Clements, City Secretary Laura Calcote, and Sergeant-at-Arms Officer Parham.

Mayor Nash-King gave the invocation. Councilmember Alvarez led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Councilmember Adams to approve the agenda. Motion was seconded by Councilmember Segarra. The motion carried unanimously (6-0).

Citizen Comments

1. Jack Ralston spoke regarding OR-22-022.
2. Mellisa Brown spoke regarding OR-22-022 and OR-22-016.
3. Julie Oliver spoke regarding OR-22-022.
4. Jonathan Hildner spoke regarding OR-22-022.
5. Chris Stickles spoke regarding OR-22-022.
6. Louie Minor spoke regarding OR-22-022.
7. Michael Fornino spoke regarding OR-22-022.
8. Travis Whitis spoke regarding OR-22-016.
9. Anca Neagy spoke regarding OR-22-022, RS-22-174 and OR-22-016.
10. Jah Nice spoke regarding OR-22-022.
11. Chris Bray spoke regarding OR-22-022.
12. Laurette Matthews spoke regarding OR-22-022.
13. Bruce Thomas spoke regarding OR-22-022.
14. Major Heggs spoke regarding OR-22-022.
15. Larry Robison spoke regarding OR-22-022.

Consent Agenda

MN-22-030 Consider Minutes of Regular City Council Meeting of November 8, 2022.

MN-22-031 Consider Minutes of Regular City Council Meeting of November 15, 2022.

- RS-22-166** Consider a memorandum/resolution authorizing the procurement of six (6) emergency vehicles for the Fire Department in the amount of \$5,901,954.
- RS-22-167** Consider a memorandum/resolution authorizing the execution of a Professional Services Agreement with CP&Y, Inc. for the design of the Pump Station No. 2 Rehabilitation Project in the amount of \$211,565.
- RS-22-168** Consider a memorandum/resolution authorizing the execution of a Letter of Agreement with Central Texas Water Supply Corporation for the sale of treated emergency water.
- RS-22-169** Consider a memorandum/resolution authorizing a Letter of Agreement with Bio Chem Lab, Inc. for FY 2023 water and wastewater testing services in the amount of \$51,711.
- RS-22-170** Consider a memorandum/resolution authorizing the procurement of two (2) recycling trailers for the expansion of the recycling program from Pro Tainer, Inc. in an amount not to exceed \$52,480.
- RS-22-171** Consider a memorandum/resolution awarding Bid No. 22-34, Conder Park and AA Lane Park Drainage Improvements Project, to Choice Builders, LLC in the amount of \$597,113.
- RS-22-172** Consider a memorandum/resolution authorizing the purchase of library materials from Ingram Library Services through the TXSMARTBUY cooperative purchasing program for FY 2022-2023 in an amount not to exceed \$75,000.
- RS-22-173** Consider a memorandum/resolution approving the investment reports for the quarter ended June 30, 2022, and September 30, 2022.
- RS-22-175** Consider a memorandum/resolution renaming the Heritage Oaks Hike and Bike Trail to Purser Heritage Hike and Bike Trail.

Motion was made by Councilmember Segarra to approve the Consent Agenda, pulling RS-22-174. Motion was seconded by Councilmember Gonzalez. The motion carried unanimously (7-0).

Resolutions

RS-22-174 Consider a memorandum/resolution adopting the 2022 Pavement Design Manual.

Motion was made by Mayor Protem Wilkerson to approve RS-22-174. Motion was seconded by Councilmember Alvarez. Motion carried unanimously (7-0).

Ordinances

OR-22-016 Consider an ordinance amending the Code of Ordinances Chapter 26, Subdivisions and Other Property Developments.

The City Secretary read the caption of the ordinance:

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Planning and Developmental Services

This item was presented to City Council during their November 29, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

Motion was made by Mayor Protem Wilkerson to approve OR-22-016. Motion was seconded by Councilmember Cobb. Motion carried unanimously (7-0).

OR-22-022 Consider an ordinance amending the Code of Ordinances Chapter 22, Article V - Marijuana Enforcement.

The City Secretary read the caption of the ordinance:

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE V – MARIJUANA ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS;

PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Holli Clements, City Attorney

On November 22, 2022, City Council canvassed the November 8th Special Election where the voters approved the initiative ordinance to eliminate low-level marijuana enforcement. City Council directed a moratorium on the ordinance until December 6, 2022, when Council would consider possible amendments to the ordinance.

City Council discussed the option of amending or removing Section 22-83 of the ordinance, which prohibits Killeen police officers from considering the odor of marijuana or hemp to constitute probable cause for any search or seizure except in limited circumstances.

Based on that discussion and so that City Council will have the option to take action on this or other amendments, staff had prepared a draft ordinance removing Section 22-83. Ms. Clements presented the amended ordinance and was available to provide information and to answer questions.

Motion was made by Councilmember Segarra to approve OR-22-022, removing sections 22-83 and 22-85 from the ordinance. Motion was seconded by Councilmember Boyd. Motion failed 2-5, with Mayor Protem Wilkerson, Councilmembers Cobb, Gonzalez, Alvarez, and Adams in opposition.

Motion was made by Councilmember Alvarez to approve OR-22-022, removing sections 22-83, 22-85 and "Class A misdemeanor" from the ordinance. Motion was seconded by Councilmember Segarra. Motion failed 2-5, with Mayor Protem Wilkerson, Councilmembers Cobb, Boyd, Gonzalez, and Adams in opposition.

Motion was made by Mayor Protem Wilkerson to take no action at this time and to reconsider the ordinance on March 6, 2023. The motion died for lack of a second.

Motion was made by Councilmember Gonzalez to approve OR-22-022, removing section 22-83 and to review the ordinance in three months with statistics from the Police Department.

Motion was seconded by Councilmember Segarra. Motion carried 4-3, with Mayor Protem Wilkerson, Councilmembers Cobb and Boyd in opposition.

City Council took a recess at 6:55 p.m.

Regular Session reconvened at 7:05 p.m.

Public Hearings

PH-22-022 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc., on behalf of Jerome & Rachel Gomer and Killeen Heating & Air Conditioning Inc. (Case #Z22 49), to rezone approximately 11.64 acres, being Pt. Lot 3, Lot 4 & Pt. Lot 5, Block 1, Cosper Creek Addition, from "A R1" (Agricultural Single Family Residential District) to "R 2" (Two Family Residential District). The properties are locally addressed as 10225, 10335, & 10395 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 APPROXIMATELY 11.64 ACRES BEING PT LOT 3 AND LOT 4 AND PT LOT 5, COSPER CREEK ADDITION, 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: Edwin Revell, Executive Director of Planning and Developmental Services

This item was presented to City Council during their November 29, 2022 Workshop meeting. The applicant's representative, Ace Fornell, and Mr. Revell were available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Mellisa Brown spoke in opposition.

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

Motion was made by Mayor Protem Wilkerson to approve PH-22-022. Motion was seconded by Councilmember Boyd. Motion carried unanimously (7-0).

Adjournment

With no further business, upon motion being made by Councilmember Adams, seconded by Mayor Protem Wilkerson and unanimously approved, the meeting was adjourned at 7:17 p.m.

Debbie Nash-King, Mayor

Laura Calcote, City Secretary