

City of Killeen
City Council Meeting
Killeen City Hall
August 24, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Debbie Nash-King, Councilmembers Jessica Gonzalez, Nina Cobb, Michael Boyd, Ken Wilkerson, Rick Williams, and Mellisa Brown.

Also attending were City Manager Kent Cagle, City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Ache.

Councilmember Cobb gave the invocation. Councilmember Gonzalez led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro Tem Nash-King to approve the agenda as written. Motion was seconded by Councilmember Brown. The motion carried unanimously.

Citizen Comments

No one signed up to speak.

Consent Agenda

MN-21-019 Consider Minutes of Special City Council Meeting of August 3, 2021.

MN-21-020 Consider Minutes of Regular City Council Meeting of August 10, 2021.

RS-21-115 Consider a memorandum/resolution accepting an American Rescue Plan Act (ARPA) Airport Grant.

RS-21-116 Consider a memorandum/resolution authorizing the execution of Amendment No. 1 to the Professional Services Agreement with Halff Associates, Inc., in the amount of \$6,650 for the Retaining Wall Repair of Bermuda Ditch Project.

RS-21-117 Consider a memorandum/resolution rejecting all bids for Bid 21-16 Valley Ditch Phase 1 - B.N.S.F. Railroad Drainage Improvements Project.

RS-21-118 Consider a memorandum/resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp, Mid-Tex Division regarding the 2021 Atmos Rate Review Mechanism Filing.

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

Resolutions

RS-21-119 Consider a memorandum/resolution consenting to the continuation of the Declaration of Local State of Disaster for a Public Health Emergency.

Staff Comments: Peter Perez, Emergency Management Coordinator
During July 2021, active COVID-19 cases and local hospitalization rates have risen significantly. On August 5, 2021, Bell County Public Health District raised the County COVID-19 threat level to Level 1: Severe Uncontrolled Community Transmission. In order to ensure that the City is able to request needed resources from the State of Texas and coordinate local response, Mayor Segarra issued a Declaration of Local State of Disaster for a Public Health Emergency. The Stafford Act requires local jurisdictions to issue a disaster declaration in order to request resources outside of its jurisdiction and only allows emergency costs to be submitted for reimbursement that have occurred while under a disaster declaration. City staff recommends that Mayor Segarra's declaration be extended indefinitely until terminated by the Mayor.

Motion was made by Councilmember Wilkerson to approve RS-21-119. Motion was seconded by Councilmember Williams. Motion carried unanimously.

Public Hearings

PH-21-030 **HOLD** a public hearing and consider an ordinance granting Atmos Energy a .202 acre temporary construction easement to be located on Lot 16, Block 1, Hunter's Chase Subdivision (Hunt Neighborhood Park), Killeen, Texas. (3rd of 3 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING EASEMENTS TO ATMOS ENERGY CORPORATION FOR APPROXIMATELY .202 ACRE OUT OF LOT 16, BLOCK 1, HUNTER'S CHASE SUBDIVISION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services
This agenda item was presented in detail and the first of three public hearings was held during the July 13, 2021 City Council meeting. The second of the three public hearings was held on July 27, 2021. Mr. McIlwain was available to provide additional information and answer questions. City staff recommends that the final public hearing be held, and that City Council approve the ordinance granting Atmos Energy's request for an easement.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Atmos Energy representatives, Steven Beard and Tiffany Dygert, appeared before City Council to provide additional information and answer questions.

Motion was made by Councilmember Williams to approve PH-21-030. Motion was seconded by Councilmember Wilkerson. Motion carried unanimously.

PH-21-043 HOLD a public hearing and consider an ordinance granting easements to Atmos Energy for approximately 0.221 acre consisting of a surface site easement, temporary workspace easement and access easement to be located at the terminus of Persimmon Drive, adjacent to 3008 Persimmon Drive, Killeen TX. (2nd of 3 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING EASEMENTS TO ATMOS ENERGY CORPORATION FOR APPROXIMATELY .221 ACRE CONSISTING OF A SURFACE SITE EASEMENT, TEMPORARY WORKSPACE EASEMENT, AND ACCESS EASEMENT LOCATED AT THE TERMINUS OF PERSIMMON DRIVE, ADJACENT TO 3008 PERSIMMON DRIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services Atmos Energy Corporation is requesting a 0.221 acre area in conjunction with a pipeline replacement. The surface site easement and access easement are permanent easements and Atmos Energy has submitted an initial offer of \$2,500 as compensation for the acreage within the site and any applicable damage to the remainder of the property. The temporary workspace easement shall automatically terminate on the date on which initial construction of the easement facilities has been completed and placed into service. The first of three public hearings was held during the August 10, 2021 City Council meeting. City staff recommends that the second of three public hearings be held with the third and final hearing scheduled for September 14th.

Atmos Energy representatives, Steven Beard and Tiffany Dygert, appeared before City Council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

PH-21-044 HOLD a public hearing and consider an ordinance requested by Joshua Welch on behalf of EAS Investments (**Case #FLUM21-05**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) for approximately 72.359 acres out of the V. L. Evans Survey, Abstract 288, from a 'Suburban Residential' (SR) designation to a 'General Residential' (GR) designation. The property is generally located on the south side of East Rancier Avenue, east of the terminus of Sally Ride Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 72.359 ACRES OUT OF THE V. L. EVANS SURVEY, ABSTRACT 288, FROM A 'SUBURBAN RESIDENTIAL' (SR) DESIGNATION

TO A 'GENERAL RESIDENTIAL' (GR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services. The subject property is designated as Suburban Residential on the Future Land Use Map of the Comprehensive Plan. Staff mailed courtesy notices to seventy-eight (78) surrounding property owners regarding this request. Staff finds that the request to amend the FLUM from 'Suburban Residential' (SR) to 'General Residential' (GR) is appropriate at this location. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Josh Welch, appeared before city council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Wilkerson to approve PH-21-044. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried unanimously.

PH-21-045 HOLD a public hearing and consider an ordinance requested by Joshua Welch on behalf of EAS Investments (**Case #Z21-24**) to rezone approximately 92.435 acres out of the V. L. Evans Survey, Abstract 288, from "R-1" (Single-Family Residential District), "R-2" (Two-Family Residential District), "R-3" (Multi-Family Residential District), and "B-5" (Business District) to "R-2" (Two-Family Residential District), "SF-2" (Single-Family Residential District), and "B-5" (Business District). The property is generally located on the south side of East Rancier Avenue, east of the terminus of Sally Ride 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 APPROXIMATELY 92.435 ACRES OUT OF THE V. L. EVANS SURVEY, ABSTRACT 288, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT), "R-3" (MULTI-FAMILY RESIDENTIAL DISTRICT), AND "B-5" (BUSINESS DISTRICT) TO "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT), "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT), AND "B-5" (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services. This property is designated as 'Suburban Residential' (SR) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This request is not consistent with the Future Land Use Map (FLUM) of the Comprehensive but a concurrent FLUM

amendment has been submitted. Staff notified seventy-seven (77) surrounding property owners within 400' of the property. Staff has received two (2) written responses in support of this request. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Josh Welch, appeared before city council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Wilkerson to approve PH-21-045. Motion was seconded by Councilmember Williams. Motion carried unanimously.

PH-21-046 **HOLD** a public hearing and consider an ordinance requested by Ian Paulin on behalf of Killeen Square Inc. (**Case #Z21-25**) to rezone approximately 0.065 acre out of Lot 12, Block 1, of the Killeen Mall Subdivision Replat, from "RC-1" (Restaurant and Alcohol Sales District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 2301 East Central Texas Expressway, Suite 105, 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 0.065 ACRE OUT OF LOT 12, BLOCK 1, OF THE KILLEEN MALL SUBDIVISION REPLAT, FROM "RC-1" (RESTAURANT AND ALCOHOL SALES DISTRICT) TO "B-C-1" (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services. The requested "B-C-1" (General Business and Alcohol Sales District) zoning allows for the on-premise consumption of alcohol in accordance with TABC rules and regulations. This request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. Staff notified seven (7) surrounding property owners within 400' of the property. Staff has not received any responses regarding this request. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Ian Paulin, appeared before city council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Wilkerson to approve PH-21-046. Motion was seconded by Councilmember Brown. Motion carried unanimously.

PH-21-047 HOLD a public hearing and consider an ordinance approving a written service agreement and the annexation of approximately 7.40 acres of land out of the W.L. Harris Survey, Abstract No. 1155, lying contiguous to the existing city limits, being located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY OF KILLEEN EXTENDING THE CORPORATE LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, TO INCLUDE LAND LYING ADJACENT TO THE PRESENT CITY LIMITS, BEING APPROXIMATELY 7.40 ACRES OF LAND OUT OF THE W.L. HARRIS SURVEY, ABSTRACT NO. 1155; DECLARING SAID LAND TO BE A PART OF SAID CITY; DECLARING SAID LAND AND ITS INHABITANTS AND ANY FUTURE INHABITANTS OF SAID LAND TO BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES OF OTHER LANDS AND CITIZENS OF THE CITY AND TO BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; PROVIDING FOR WAIVER OF CERTAIN FEES DURING THE FIRST YEAR OF INCORPORATION; EXTENDING DISTRICT BOUNDARIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services. City staff received a petition for voluntary annexation from Quintero Engineering, LLC on behalf of Ms. Terra Campbell for 7.40 acres of land lying contiguous to the existing city limits. On July 20, 2021, the City Council directed the City Manager to negotiate a written service agreement for provisions of municipal services in the requested annexation area. In accordance with Local Government Code 43.0672, the written service agreement includes: 1) a list of each service the City will provide on the effective date of the annexation; and 2) a schedule that includes the period within which the City will provide each service that is not provided on the effective date of the annexation. All public notification requirements have been met. City staff recommends that the City Council approve the written service agreement and the annexation ordinance.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Pedro Quintero, appeared before city council to provide additional information and answer questions.

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Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Wilkerson to approve PH-21-047. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Mayor Pro Tem Nash-King, seconded by Councilmember Boyd, and unanimously approved, the meeting was adjourned at 6:17 p.m.