

City of Killeen
Regular City Council Meeting
Killeen City Hall
April 9, 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 (arrived at 5:23 p.m.)

Also attending were City Manager Ron Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Gilman.

Pastor Andrew Long, Sr. gave the invocation, and Councilmember Nash-King 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 Fleming. The motion carried unanimously.

Minutes

Motion was made by Councilmember Menking to approve the minutes of the March 26, 2019 Regular City Council Meeting. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

Resolutions

RS-19-034 Consider a memorandum/resolution to accept the annual audit report for the fiscal year ended September 30, 2018.
Staff Comments: Judith Tangalin, Controller.
Ms. Tangalin introduced Mr. Joe Huang, CPA with Belt Harris Pechacek who presented the annual audit report for the fiscal year ended September 30, 2018 with no significant findings. Staff recommends that the City Council accept the annual audit report for the fiscal year ended September 30, 2018.

Motion was made by Councilmember Menking to approve RS-19-034. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-19-035 Consider a memorandum/resolution awarding Bid 19-17, for a contract with D.I.J. Construction for pavement marking services.
Staff Comments: Danielle Singh, Interim Executive Director of Public Works.
Ms. Singh gave a brief overview of the agenda item. Two vendors submitted responsive bids. The contract term for the award shall be for a two year period. The fiscal impact will be based upon the allocated budget and workload for the year. City staff recommends that City Council authorize the City Manager, or designee, to enter into an Agreement with D.I.J. Construction, Inc. for pavement

marking services and to execute any and all changes within the amounts set by state and local laws.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-035. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-036 Consider a memorandum/resolution amending the appointment of presiding and alternate judges for the May 4, 2019 general election.

Staff Comments: Kathy Davis, City Attorney.

On March 12, 2019, City Council made appointments via CCMR 19-032. After the appointments were made, the City Secretary was contacted by Mr. Daryl Peters, Precinct #405 Presiding Judge and Early Voting Presiding Judge at Lions Club Park Senior Center; as well as, a few other judges. Mr. Peters advised that he was recently appointed to serve as Bell County Justice of the Peace and is no longer eligible to serve as an election judge. Mr. Mustapher, Ms. Ward and Ms. Garrett have requested that changes be made to their alternate judges. Staff recommends that the following persons be named as presiding election judges and alternate presiding judges for said election at the following precinct polling places affected by the requests made above. All other appointments made on March 12, 2019 via CCMR 19-032 will remain.

PRECINCT #405: Brenda Peters - Presiding Judge

PRECINCT #406: Sandra O'Brien - Alternate Judge

PRECINCT #408: George H. Arnold IV - Alternate Judge

EARLY VOTING BALLOT BOARD, CENTRAL COUNTING STATION AND SIGNATURE VERIFICATION COMMITTEE: Dorothy Buford - Alternate Judge

EARLY VOTING:

Lions Club Senior Center - Anthony Kendrick - Presiding Judge
Willie Mae Mays - Alternate Judge

Motion was made by Councilmember Fleming to approve RS-19-036. Motion was seconded by Councilmember Menking. Motion carried unanimously.

RS-19-037 Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 76.459 acres of land lying contiguous to the existing city limits and being adjacent to 5601 Clear Creek Road, Killeen, Texas.

Staff Comments: Ray Shanaa, Executive Director of Planning.

The planning department has received a voluntary annexation petition from Gary Purser Jr. The property is located due south of the Estancia West Subdivision and east and north of Fort Hood owned land. 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 May 7th and 21st, followed by an opportunity to adopt the annexation ordinance and approve a service plan on June 11th. 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.

Councilmember Harris joined the meeting at 5:23 p.m.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-037, granting the petition for voluntary annexation. Motion was seconded by Councilmember Menking. Motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.

RS-19-038 Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 83.01 acres of land lying contiguous to the existing city limits and being adjacent to 7501 Chaparral Road, Killeen, Texas.
Staff Comments: Ray Shanaa, Executive Director of Planning.
The planning department has received a voluntary annexation petition from WBW Land Investments Limited Partnership. The property is located at the southeast corner of the City, south of Chaparral Road and west of the Killeen city limits. 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 May 7th and 21st, followed by an opportunity to adopt the annexation ordinance and approve a service plan on June 11th. 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-19-038 granting the petition for voluntary annexation. Motion was seconded by Councilmember Menking. Motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.

Public Hearings

PH-18-038 **HOLD** a public hearing and consider an ordinance requested by Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc. (Case #Z18-24) to rezone part of Lot 1, Block 1, Abundant Life Acres, from “R-3” (Multifamily Residential District) to “R-3” (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150’ tall monopole communication structure. The property is locally known as 1210 Florence Road, Killeen, Texas. (Requires a 3/4 majority vote)

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 PART OF LOT 1, BLOCK 1, ABUNDANT LIFE ACRES, FROM “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) TO “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (C.U.P.) FOR A 150’ MONOPOLE COMMUNICATION STRUCTURE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Ray Shanaa, Executive Director of Planning.

This agenda item was tabled during the December 18, 2018 City Council meeting, allowing the applicant an opportunity to poll the surrounding neighbors as to whether they would support or not support the 150’ tall monopole communication structure tower. As a reminder, the planning staff did notify forty-six (46) surrounding property owners within a 400’ notification boundary regarding this request. Staff received one objection from Mr. and Mrs. Frederick, owners of 1405 S. 2nd Street. Following the action of tabling the agenda item, planning staff received documentation from Abundant Life Church, which has been provided to City Council for review and consideration. The Planning and Zoning Commission by a vote of 6 to 1 recommended approval of the applicant’s request for a Conditional Use Permit (C.U.P.) for a proposed 150’ tall monopole communications structure, with the allowance of chain-link fencing as an acceptable screening device along the west and south project site. Commissioner Gukeisen voted in opposition.

Mayor Segarra invited the Applicant to speak:

Bishop David Scoggins of Abundant Church of God, 1210 Florence Road spoke in favor of the request.

Mr. Laddie Galloway with Titan Towers spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mr. Charles Shepard, 2302 Lake Road spoke in favor of the request.

Ms. Pat Adams, 3009 Cody Poe Road spoke in favor of the request.

Ms. Jeannie Davis – Wednesday Review Club, 1212 Florence Road spoke against the request.

Mr. Stephen Berger, 1600 Vardeman Avenue spoke in favor of the request.

Mr. Johnny Frederick, 1405 S. 2nd Street spoke against the request.

Ms. Holly Teel, 1704 Hooten Street spoke against the request.

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

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Motion was made by Councilmember Harris to approve PH-18-038. Motion was seconded by Councilmember Nash-King. Motion failed without a ¾ majority vote 5 to 2 with Councilmember Menking and Councilmember Johnson in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 5:58 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary