

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
May 28, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera (arrived at 5:03 p.m.), Gregory Johnson, Shirley Fleming, Debbie Nash-King and Steve Harris

Also attending were Assistant City Manager David Ellison, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Mr. Jones gave the invocation; and Jayla Davis, Iliana Lopez and Irma Perez from Charles Patterson Middle School National Junior Honor Society 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 May 7, 2019 Special City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

*Motion was made by Councilmember Menking to approve the minutes of the May 14, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**Resolutions**

**RS-19-045** Consider a memorandum/resolution authorizing a professional service agreement with Transmap Corporation to determine the overall condition of the road network and provide a five (5) year maintenance strategy.

**Staff Comments:** Danielle Singh, Executive Director of Public Works.

The Street Condition Assessment would assess the overall condition of the road network and provide a five (5) year maintenance strategy. The results of this assessment will be used to determine the street maintenance schedule for future years. Transmap Corporation was selected to perform the Street Condition Assessment based on their qualifications. Funding in the amount of \$184,056 is available in the current fiscal year. City staff recommends that City Council authorize the City Manager or designee to enter into a Professional Services Agreement with Transmap Corporation and to execute any and all changes within the amounts set by State and Local law.

*Motion was made by Councilmember Fleming to approve RS-19-045. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.*

**RS-19-046** Consider a memorandum/resolution authorizing the procurement of turnout gear for the Fire Department.

**Staff Comments:** Brian Brank, Fire Chief.

The Killeen Fire Department provides turnout gear for our firefighters to include coats and trousers. This request is for the purchase of 30 sets of turnout coats and trousers. The total cost for this purchase is \$73,500, with funds being available in FY2019. This is a one-time purchase for this budget year. However, there is a need to purchase additional items such as helmets, boots, gloves, and hoods throughout the year as well as additional turnout gear in FY20. The future purchase needs will be dictated by the number and types of garments that are damaged beyond repair or nearing expiration. Staff recommends that the City Manager or his designee be authorized to execute the purchase of turnout gear from North American Fire Equipment Company through a BuyBoard Cooperative Contract, 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-19-046. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-19-047** Consider a memorandum/resolution authorizing expenditure in excess of \$50,000 for Police Headquarters maintenance and repairs to The Brandt Companies, LLC. for the HVAC system.

**Staff Comments:** Charles Kimble, Chief of Police.

The PD has an existing contract with the Brandt Companies, LLC, for maintenance and repair of the HVAC System. Repair work is performed under TASB BuyBoard Contract. The contract supports maintenance of the headquarters' HVAC system. Repairs are performed at an additional cost. Anticipated maintenance and repair costs will exceed \$50,000 and could rise to \$75,000. The Police Department has budgeted funds available for this expense. City staff recommends that the City Manager or his designee be authorized to execute the expenditures for the recommended HVAC repairs and maintenance at the Police headquarters building by The Brandt Companies, LLC, through the TASB BuyBoard; an expense that will exceed \$50,000 to one vendor for the current fiscal year.

*Motion was made by Councilmember Rivera to approve RS-19-047. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

### **Public Hearings**

**PH-19-013A HOLD** a public hearing and consider an ordinance submitted by WBW Development and WBW Single Land Investment L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust (**FLUM#19-03**), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' designation to a 'General Residential' designation for approximately 169 acres. The property is located east of Yowell Ranch Phases Two and Three, 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 APPROXIMATELY 169 ACRES OF PROPERTY LOCATED EAST OF YOWELL RANCH PHASES TWO AND THREE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, Assistant Director of Planning and Development Services.

The 'Estate' designation encourages the following types of development: detached residential dwellings, public/institutional; and parks and public spaces. If approved, the 'General Residential' designation encourages the following development types: detached residential dwellings as a primary focus; attached housing types subject to compatibility and open space standards; planned developments; and public/institutional and parks and public spaces. The Planning and Zoning Commission recommends approval of amending the FLUM from 'Estate' to 'Suburban Residential' for the subject 169 acres by a vote of 4 to 3. The 'Suburban Residential' designation encourages the following development types: detached residential dwellings with larger baseline minimum lot sizes for larger front yards, building setbacks and side separation between structures; planned developments to allow for other housing types; public/institutional and parks and public spaces; and cluster development with higher open space ratios.

Mayor Segarra invited the applicant to speak.

Josh Welch, WBW Development - spoke in favor of the request.

Mayor Segarra opened the public hearing.

Elizabeth Jagodzinski - spoke in favor of the request.  
Dennis Drury - spoke in opposition of the request.  
Holly Teel - spoke in opposition of the request.

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

*Motion was made by Councilmember Rivera to approve PH-19-013A as requested by applicant. Motion was seconded by Mayor Pro Tem Kilpatrick. Following discussion and clarification, Councilmember Rivera amended his motion to approve PH-19-013A amending the FLUM from 'Estate' to 'Suburban Residential'. Amended motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried 4 to 3, with Councilmember Johnson and Councilmember Harris in opposition and Councilmember Fleming abstaining.*

**PH-19-013B HOLD** a public hearing and consider an ordinance requested by WBW Development and WBW Single Land Investment, L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust (**Case #Z19-04**), to rezone approximately 169 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from "A" (Agricultural District) to a Planned Unit

Development (P.U.D.) with "R-1" (Single-Family Residential District) uses. The property is generally located east of Yowell Ranch Phases Two and Three, Killeen, Texas. (Requires 3/4 majority vote)

Mayor Segarra announced that with several requests to withdraw oppositions of this rezone request, the requirement of a 3/4 majority vote was no longer valid.

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 169 ACRES OUT OF THE J.D. ALLCORN SURVEY, ABSTRACT NO. 25, THE S.D. CAROTHERS SURVEY, ABSTRACT NO. 177 AND THE M.J. PLEASANT SURVEY, ABSTRACT NO. 652, FROM "A" (AGRICULTURAL DISTRICT) TO A PLANNED UNIT DEVELOPMENT (P.U.D.) WITH "R-1" (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, Assistant Director of Planning and Development Services.

The property is designated as 'Estate' on the City's Future Land Use Map. The applicant has reduced the land area of the initial zoning request by approximately twenty (21) acres to 148.42 acres. The PUD proposal consists of 598 residential lots, with a minimum lot size of 5,000 square feet and an average lot size of 6,000 square feet. The net residential density (exclusive of rights-of-way) of the development is 4.83 dwelling units per acre. The PUD concept plan incorporates over 26 acres of open space, with an additional 13 acres of open space within the floodplain. The PUD illustrates one park, one pool and associated parking, one playground, proposed linear trails, one pond and open space. Additionally, a .44 acre right-of-way dedication of land is being offered as part of the PUD concept plan to facilitate connectivity to the future realignment of Chaparral Road. Staff notified two hundred and twenty (220) surrounding property owners within a four hundred feet (400') notification boundary. Staff received sixty-two (62) total responses, with 3 property owners in support, and 59 property owners in opposition to the request. As of the time of this meeting, 5 property owners have withdrawn their oppositions. The Planning and Zoning Commission recommended approval of the applicant's request (by a vote of 6 to 0) with the following conditions: the applicant shall add the additional 2.5 acres needed for the minimum 15% open space requirement; the PUD conceptual plan shall show the tie-in to Chaparral Road; and the applicant shall include the Yowell Ranch Phase V and VI exhibit that was presented to the Planning & Zoning Commission. Staff recommends disapproval based on the following: 'Suburban Residential' character, which staff supports, is 4 dwelling units per net acre; this project is 4.83 dwelling units net acre (this .83 differential amounts to an additional 102 residential lots for this project); the PUD standards do not provide information regarding required front, side and rear yard setbacks; the PUD proposal illustrates 598 lots, which will generate 5,980 vehicle trips per day at full build-out, (the PUD concept plan proposes to no connectivity to an arterial street, but attempts to facilitate taking traffic through Malmaison Road, a collector street, and Addison Street, a local

street; the PUD concept plan does not graphically account for the north-south collector road extending south beyond the development as recommended by the Planning and Zoning Commission; the ROW dedication of land assumes that the City will be responsible for the construction (if necessary) of the tie-in with the future realignment of Chaparral Road; and the proposed linear trails appear to be located adjacent to rear and side residential property lines and not completely within easily accessible areas such as rights-of-ways. If approved, the applicant will be under no obligation to provide additional information to city staff, alter any components of the PUD standards, nor make any revisions to the concept plan.

Mayor Segarra invited the applicant to speak.

Josh Welch, WBW Development - spoke in favor of the request.

Mayor Segarra opened the public hearing.

Elizabeth Jagodzinski - spoke in favor of the request.

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

*Motion was made by Councilmember Rivera to approve PH-19-013B. Motion was seconded by Councilmember Menking. Motion carried 4 to 3, with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.*

**PH-19-014 HOLD** a public hearing and consider an ordinance requested by Turley Associates, Inc. on behalf of Central Christian Church of Killeen (Case #Z19-07) to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of 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 4.72 ACRES OUT OF THE NATHAN HALBERT SURVEY, ABSTRACT NO. 389, FROM "R-1" (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:** Tony McIlwain, Assistant Director of Planning and Development Services.

The vacant property is designated as 'General Residential' (GR) on the City's Future Land Use Map (FLUM). The applicant's request is consistent with the FLUM. Staff notified seventy-nine (79) surrounding property owners within a four hundred feet (400') notification boundary. Staff received one (1) response of support and eight (8) responses of opposition from surrounding property owners. The Planning and Zoning Commission recommended approval of "SF-2" (Single-Family Residential District) in lieu of the applicant's request for "R-2" (Two-family

Residential) by a vote of 5 to 1. The applicant is amenable to this recommendation.

Mayor Segarra invited the applicant to speak.

Jennifer Rankin, Turley & Associates - spoke in favor of the request.

Mayor Segarra opened the public hearing.

Beth Matkin - spoke in favor of the request.

Jeremiah Belser - spoke neither in favor nor in opposition of the request.

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

*Motion was made by Councilmember Rivera to approve PH-19-014. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**PH-19-015A HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (Case #FLUM19-04) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designation to a 'General Residential' designation for approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, 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 ACRES FOR PROPERTY LOCATED AT 4402 OLD FM 440, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, Assistant Director of Planning and Development Services.

The 'General Commercial' designation encourages the following development types: a wide range of commercial retail and service uses, at varying scales and intensities; office (both large and/ or multi-story buildings and small-scale office uses); public/institutional; and parks and public spaces. If approved, the 'General Residential' designation encourages the following development types: detached residential dwellings as a primary focus; attached housing types subject to compatibility and open space standards; planned developments; and public/institutional and parks and public spaces. City staff recommends disapproval of the FLUM request; however, the Planning and Zoning Commission recommended approval of amending the FLUM from 'General Commercial' to 'General Residential' by a vote of 3 to 2.

Mayor Segarra invited the applicant to speak.

Pedro Quintero, spoke in favor of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-19-015A. Without a second, the motion died.*

*Motion was made by Mayor Pro Tem Kilpatrick to disapprove PH-19-015A. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**PH-19-015B HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (Case #Z19-08) to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

Following the results of PH-19-015A, the applicant withdrew his request.

**PH-19-016 HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Neimac, L.C. (Case #Z19-09) to rezone Lot 1, Block 1, Neimac Addition Phase Four, from "B-3" (Local Business District) to "B-4" (Business District). The property is addressed as 2502 W. Stan Schlueter 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 LOT 1, BLOCK 1, NEIMAC ADDITION PHASE FOUR, FROM "B-3" (LOCAL BUSINESS DISTRICT) TO "B-4" (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, Assistant Director of Planning and Development Services.

The property is designated as 'General Commercial' (GC) on the City's Future Land Use Map (FLUM). The 'General Commercial' designation encourages a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site. Staff notified thirty-one (31) surrounding property owners within a four hundred feet (400') notification boundary. Staff received two (2) responses of opposition from surrounding property owners. The Planning and Zoning Commission recommended approval of the applicant's request for "B-4" (Business District) zoning by a vote of 6 to 0.

Mayor Segarra invited the applicant to speak.

Jack Smith was in the audience, but, with no questions from City Council, he did not choose to speak.

Mayor Segarra opened the public hearing.

David Theis - spoke in opposition of the request.

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

City Council invited the applicant to address concerns Mr. Theis had in regards to the environment associated with this type of business. Mr. Smith said that environmental concerns would be followed by rules set by state and local laws.

*Motion was made by Councilmember Menking to approve PH-19-016. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1 with Councilmember Harris in opposition.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Fleming, seconded by Mayor Pro Tem Kilpatrick, and unanimously approved, the meeting was adjourned at 7:18 p.m.