

City of Killeen
Regular City Council Meeting
Killeen City Hall
April 11, 2017 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 City Manager Ronald L. Olson, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Ache.

Pastor Mark Price gave the invocation, and Mayor Segarra 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 March 28th Regular City Council Meeting. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

Resolutions

RS-17-038 Consider a memorandum/resolution authorizing the lease with purchase option of a wheel loader and compact excavator for the Drainage Maintenance division.

Staff comments: Frank Tydlacka

The Drainage Maintenance division leases a track loader to be used in routine operations, minor construction projects and upkeep of the approximate 457 acres of drainage channels throughout the city. It was found necessary to return that unit when the lease expired in June 2016 and replace it with a down-sized machine that would be more capable in confined areas. Staff recommends the procurement of the wheel loader and compact excavator from Romco Equipment Co., through the TASB BuyBoard, with financing provided by Bancorp South Equipment Finance, on a three-year lease of \$3,566.49 per month, and that the City Manager or designee is authorized to approve the purchase of the equipment at the end of the three-year lease period for \$76,771.20 if the purchase is approved in the FY20 budget, 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 Fleming to approve RS-17-038. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-039 Consider a memorandum/resolution authorizing the issuance of a permit to American Fireworks for the discharge of fireworks as part of the Celebrate Killeen Festival.

Staff comments: Brett Williams

The Celebrate Killeen Committee desires to include a fireworks display at the annual event for a third consecutive year. American Fireworks has been identified as a service provider

for the display. The proposed plan is to conduct the fireworks display on Saturday, April 29, 2017, at 9:30 p.m. at the conclusion of the festival's outdoor movie showing, signifying the festival's end. Staff recommends that City Council authorize the issuance of a permit to discharge fireworks to American Fireworks as part of the City's annual Celebrate Killeen Festival at the Killeen Community Center Complex.

Motion was made by Councilmember Kilpatrick to approve RS-17-039. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-17-041 Consider a memorandum/resolution authorizing the Texas Department of Transportation-Aviation Division to act as the Airport Agent for the administration of the Skylark Field T-Hangar Project.

Staff comments: Jim Livingston

Staff recommends City Council approve a resolution for TxDOT-Aviation to act as the Airport Agent for the disbursement of NPE funds and administration of the design and construction of a Skylark Field T-hangar project and for the purpose of applying for, receiving and disbursing all federal and state funds for this project and for the administration of contracts necessary for the initiation of the work; and authorize the City Manager to execute any and all required documents including any and all amendments within the amounts set by state and local law.

Motion was made by Mayor Pro-Tem Moore to approve RS-17-041. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-17-042 Consider a memorandum/resolution to suspend the April 21, 2017, effective date of Oncor Electric Delivery Company's requested rate change and approving cooperation with the Steering Committee of Cities Served by Oncor.

Staff comments: Kathy Davis

State law permits cities to suspend a rate change for ninety (90) days after the rates would otherwise be effective for any legitimate purpose. By suspending the effective date, the Steering Committee will have adequate time to study and investigate the application, as well as negotiate rates. Staff recommends approval of the attached resolution suspending the effective date of Oncor's rate request and authorizing the city's continued cooperation with the Steering Committee.

Motion was made by Councilmember Rivera to approve RS-17-042 resolution suspending the effective date for 90 days. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-043 Consider a memorandum/resolution adopting a city council policy establishing the procedure for appointments to citizen boards, commissions and committees.

Staff comments: Kathy Davis

The draft policy addresses the timeframe for making appointments, the process for reviewing applications, the duties of appointment subcommittees and the full council, term limits and criteria for appointment.

Motion was made by Councilmember Rivera to approve RS-17-043. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Public Hearings

PH-17-022 HOLD a public hearing and consider an ordinance requested by RSBP Developers, Inc. (Case #Z17-09) to rezone approximately 8.12 acres, being Lots 1-13, Block 11, Lots 1-4, Block 12 and Lots 1-4, Block 13, Lakeview Park Subdivision, from a Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District) and “R-3” (Multifamily Residential District) uses to “R-2” (Two Family Residential District). The properties are locally known as 1500 through 1506, 1508, 1510, 1512, 1601, 1603, 1605, 1606, 1608 through 1613 and 1701 Justin 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM PLANNED UNIT DEVELOPMENT (PUD) WITH “SF-2” (SINGLE-FAMILY RESIDENTIAL DISTRICT) USES AND “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) TO “R-2” (TWO FAMILY DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The Planning and Zoning Commission recommended approval of the applicant’s zoning request by a vote of 4 to 0. The staff notified 16 surrounding property owners regarding this request and received no protests.

Mayor Segarra opened the public hearing.

Gary Purser, 6503 Wells Fargo – spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Moore to approve PH-17-022. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

PH-17-023A HOLD a public hearing and consider an ordinance requested by Mark Dewayne Stanford to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from ‘General Commercial’ (GC) to ‘Multi-Family Residential’ (MFR) (FLUM# Z17-08) for 6.34 acres out G. W. Farris Survey, Abstract No. 306, for properties locally known as 901 E. Stan Schlueter Loop (FM 3470) and 4611 Trimmier Road, 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’ (GC) TO ‘MULTI-FAMILY RESIDENTIAL’ (MFR) FOR APPROXIMATELY 6.34 ACRES OF LAND OUT OF THE G.W. FARRIS SURVEY, ABSTRACT NO. 306, BEING LOCALLY KNOWN AS 901 E. STAN SCHLUETER LOOP (FM 3470) AND 4611 TRIMMIER ROAD, 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 disapproval of the applicant’s request for an amendment to the Future Land Use Map from ‘General Commercial’ (GC) to ‘Multi-Family Residential’ (MFR) by a vote of 4 to 1. The four commissioners voting

for disapproval decided that the current FLUM designation is appropriate for the area, and changing it would lead to development that would increase traffic in the area. During the Planning and Zoning Commission's public hearing on this matter, Rebecca Woodul spoke in opposition to the FLUM change.

Mayor Segarra opened the public hearing.

James Woodul, 4505 Trimmier Rd – spoke against the rezoning.

Martin Holland, 4509 Trimmier Rd – concerned about adding traffic and additional noise in the area. Spoke against the request.

Pedro Quintero, 415 E. Ave D. – spoke in favor of request and assured a TIA (Traffic Impact Assessment) would be done.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Kilpatrick to approve PH-17-023A. Motion was seconded by Councilmember Rivera.

Councilmember Okray made a statement for the record that the concerns of the citizens are germane to the development.

Motion carried unanimously.

PH-17-023B HOLD a public hearing and consider an ordinance requested by Mark Dewayne Stanford (Case #Z17-08) to rezone 6.34 acres out of the G. W. Farris Survey, Abstract No. 306, from "R-1" (Single-Family Residential District) to "R-3A" (Multifamily Apartment Residential District), for properties locally known as 901 E. Stan Schlueter Loop (FM 3470) and 4611 Trimmier Road, Killeen, Texas. (Requires a three-fourths (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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The Planning and Zoning Commission recommended disapproval of the applicant's zoning request from "R-1" (Single-Family Residential District) to "R-3A" (Multifamily Apartment Residential District) by a vote of 4 to 1. The four Commissioners voting for disapproval shared concerns regarding the potential for increased traffic as a result of the proposed multifamily residential project. The staff notified ten (10) surrounding property owners regarding this request and received one protest. Since the zoning request was recommended for disapproval, it will require a favorable vote of three-fourths (3/4) of all the members of the City Council for approval.

Mayor Segarra opened the public hearing.

James Woodul, 4505 Trimmier Rd – appalled at the city councils action to approve the amendment to the FLUM and feels the Council doesn't care about what citizens have to say.

Pedro Quintero, 415 E. Ave D - ask council to favor the zoning request.

Kelly Garrett, 7801 Jack Benny, Greenville, Texas (Developer) – thanked the Council for their approval and assured management would be on site.

With no one appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-17-023B. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-17-024A HOLD a public hearing and consider an ordinance requested by M.A. Hoard Construction Co. II, LTD. to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' (GC) to 'General Residential' (GR) (FLUM# Z17-10) for 2.3 acres, being Lot 41, Block 1, Grover Park. The property is locally known as 6501 Vahrenkamp Drive, 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' (GC) TO 'GENERAL RESIDENTIAL' (GR) FOR LOT 41, BLOCK 1, GROVER PARK, BEING LOCALLY KNOWN AS 6501 VAHRENKAMP DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This would be a gated community. The Planning and Zoning Commission recommended approval of the applicant's request for amendment to the Future Land Use Map from 'General Commercial' (GC) to 'General Residential' (GR) by a vote of 3 to 2. The dissenting Commissioners agreed with the opposing two residents that the current FLUM designation is appropriate for the area.

Mayor Segarra opened the public hearing.

Ortiz Alberto, 4501 Chelsea Dr. – concerned about safety for kids getting on and off the school bus by putting a gate in as designed.

Pedro Quintero, 415 E. Ave D (owner representative) – spoke in favor of request.

With no one else appearing the public hearing was closed.

Councilmember Fleming made a motion to postpone this item until staff can bring back more information on this project to the council. Motion was seconded by Councilmember Kilpatrick. Motion carried 4 to 3 with Councilmember Johnson, Mayor Pro-Tem Moore, and Councilmember Okray opposing.

Councilmember Okray stated for the record that he believes consideration of this request is in order according to city ordinance and that Council is delaying only because of one item, School District comments. Councilmember Okray believes the Council is responsible to make considerations in accordance with city ordinance.

PH-17-024B HOLD a public hearing and consider an ordinance requested by M.A. Hoard Construction Co. II, LTD. (Case #Z17-10) to rezone Lot 41, Block 1, Grover Park, from "B-5" (Commercial District) to "R-3A" (Multifamily Apartment Residential District), for property being locally known as 6501 Vahrenkamp 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 “B-5” (BUSINESS DISTRICT) TO “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

Staff recommends this item be coupled with PH-17-024A and be postponed. Staff will bring both items back to Council.

Motion was made by Councilmember Okay to postpone PH-17-024B pending further information from staff. Motion was seconded by Councilmember Kilpatrick. Motion carried 6 to 1 with Councilmember Johnson opposing.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Okay, and unanimously approved, the meeting was adjourned at 6:20 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary