

City of Killeen
City Council Meeting
Killeen City Hall
January 25, 2022 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Debbie Nash-King, Councilmembers Jessica Gonzalez, Nina Cobb, Michael Boyd (via video conference), Ken Wilkerson, Rick Williams (arrived at 5:01 p.m.), and Mellisa Brown.

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

Chaplin James Rosario 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.

Presentations

PR-21-001 Killeen Star Award Presentation
Mayor Segarra and Councilmember Gonzalez recognized Robert "Rob" Hall, Director of the Destiny World Outreach food pantry, for being an outstanding community member.

Citizen Comments

No one signed up to speak.

Consent Agenda

RS-22-008 Consider a memorandum/resolution appointing members to the Committee for Crime Solutions.

RS-22-012 Consider a memorandum/resolution approving amendments to agreements with Lone Star Paving to include asphalt overlay and milling services at Conder Park in the amount of \$214,592.90.

RS-22-013 Consider a memorandum/resolution authorizing an Interagency Agreement with multiple agencies for the use of NicheRMS365, a law enforcement records management system, in the amount of \$381,038.25.

- RS-22-014** Consider a memorandum/resolution accepting the Victims of Crime Act (VOCA) Crisis Assistance Program grant through the Office of the Governor, Criminal Justice Division.
- RS-22-015** Consider a memorandum/resolution ratifying the acceptance of the HOME ARP grant funding in the amount of \$1,778,641.
- RS-22-016** Consider a memorandum/resolution approving an Interlocal Agreement with the City of Temple for Regional Homelessness Cooperation and a Strategic Plan.
- RS-22-017** Consider a memorandum/resolution approving an election services contract with Bell County.
- RS-22-018** Consider a memorandum/resolution authorizing the procurement of fleet parts through NAPA, O'Reilly, and Lonestar Freightliner in an amount not to exceed \$287,000 and tires through Southern Tire Mart in an amount not to exceed \$203,000.
- OR-22-003** Consider an ordinance amending the Code of Ordinances Chapter 8, Building and Construction Regulations, and Chapter 11, Fire Prevention and Protection, to adopt updated international building construction and fire codes.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTERS 8 AND 11 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, ADOPTING THE 2021 INTERNATIONAL CONSTRUCTION CODES, THE 2020 NATIONAL ELECTRIC CODE AND THE 2021 INTERNATIONAL FIRE CODE INCLUDING APPENDIX D; ADOPTING LOCAL AMENDMENTS TO THESE CODES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Motion was made by Mayor Pro Tem Nash-King to approve the consent agenda as written. Motion was seconded by Councilmember Brown. Councilmember Brown made an amendment to the motion approving the consent agenda removing RS-22-012 for separate consideration. Without a second the motion died. The original motion carried 6 to 1 with Councilmember Brown in opposition.

Ordinances

- OR-22-002** Consider an ordinance authorizing the issuance and sale of Combination Tax and Revenue Certificates of Obligation, Series 2022, for street improvements.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2022, LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING

AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES

Staff Comments: Jon Locke, Executive Director of Finance.

On November 16, 2021, City Council approved proceeding with the issuance of certificates of obligation for street improvements and directed the publication of a notice. Mr. Locke briefly identified the transportation street reconstruction priority list with an estimated cost of just over \$81 million. City staff recommends City Council approve the ordinance authorizing the issuance and sale of Combination Tax and Revenue Certificates of Obligation, Series 2022, for street improvements.

Motion was made by Councilmember Wilkerson to approve OR-22-002. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried 6 to 1 with Councilmember Brown in opposition.

Public Hearings

PH-22-008 HOLD a public hearing and discuss proposed charter amendments.

Staff Comments: Traci Briggs, City Attorney

Ms. Briggs reviewed the City Council proposed charter amendments that have been identified by City Council during their review of the charter during open meetings that began September 20, 2021.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Councilmember Brown added for the record that City Council had received a note from citizen Shirley DelConte who could not attend the public hearing. To summarize, Ms. DelConte supports an increase in Mayor and City Councilmember compensation in a total amount that equals \$600 to cover gas, and wear and tear on vehicles.

Mayor Segarra announced that an ordinance calling the charter amendment election will be on the February 1st City Council Workshop Meeting for review and discussion and on the February 8th Regular City Council Meeting for consideration/action.

MAYOR SEGARRA ANNOUNCED THAT THE APPLICANT HAS WITHDRAWN AGENDA ITEMS PH-21-065 AND PH-21-066

PH-21-065 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Texas Land and Living, LLC (Case #FLUM21 09) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 9.147 acres out of the James Cook Survey, Abstract No. 161. The property is generally located east of the intersection of Pinar Trail and Grand Terrace Drive, Killeen, Texas. (Tabled from 11/30/21 Regular City Council Meeting)

- PH-21-066** HOLD a public hearing and consider an ordinance submitted by Mitchell & Associates, Inc. on behalf of Texas Land and Living, LLC (Case #Z21 33) to rezone approximately 9.147 acres out of the James Cook Survey, Abstract No. 161 from "A" (Agricultural District) to "RT 1" (Residential Townhouse Single Family District). The property is generally located east of the intersection of Pinar Trail and Grand Terrace Drive, Killeen, Texas. (Tabled from 11/30/21 Regular City Council Meeting) (Requires three fourths [3/4] majority vote)
- PH-22-009** HOLD a public hearing and consider an ordinance requested by Joshua Welch on behalf of CP Summit Group, Loverd Wilson Mitchell Trust, Penelope McDonald, and Ray Fread (Case #FLUM 21 11) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) and 'Suburban Residential' (SR) designation to a 'General Residential' (GR) designation for approximately 60.112 acres out of the J.H. Lewis Survey, Abstract No. 0536; J.W. Morton Survey, Abstract No. 0587; and T. Arnold Survey, Abstract No. 0055. The property is generally located south of Prewitt Ranch Road and east of Clear Creek Road, 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 60.112 ACRES OUT OF THE J. H. LEWIS SURVEY, ABSTRACT NO. 536; J. W. MORTON SURVEY, ABSTRACT NO. 0587; AND T. ARNOLD SURVEY, ABSTRACT NO. 0055, FROM A 'RURAL' (R) AND 'SUBURBAN RESIDENTIAL' (SR) TO 'GENERAL RESIDENTIAL' (GR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Wallis Meshier, Director of Planning

The property is designated as rural and suburban residential on the Future Land Use Map (FLUM) of the Comprehensive Plan. Staff mailed courtesy notices to one-hundred and ninety-one (191) surrounding property owners. Staff recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 6 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Josh Welch, was available 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 Williams to approve PH-22-009. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried 6 to 1 with Councilmember Brown in opposition.

PH-22-010 HOLD a public hearing and consider an ordinance requested by Tobe Sweeney, on behalf of Lilia D Enterprise, LLC (Case #Z21 43), to rezone approximately 0.19 acres out of the Morris & Goode Survey, Lot 1, Block 4 from "R 1" (Single Family Residential District) to "R 2" (Two Family Residential District). The property is addressed 1301 E Avenue G, 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 0.19 ACRES BEING LOT 1, BLOCK 4 OF THE MORRIS & GOODE ADDITION, FROM "R-1" (SINGE-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: Wallis Meshier, Director of Planning

The property is within the 100-year FEMA regulatory Special Flood Hazard Area and is designated as general residential on the Future Land Use Map (FLUM) of the Comprehensive Plan. The request is consistent with the FLUM. Staff notified thirty-nine (39) property owners. To date, staff has received two written responses regarding the request, one in support and one in opposition. Staff recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 5 to 1.

Mayor Segarra invited the applicant to speak.

The applicant, Tobe Sweeney, was available to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

Ms. Anca Neagu spoke in opposition of the request.

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

Motion was made by Mayor Pro Tem Nash-King to approve PH-22-010. Motion was seconded by Councilmember Wilkerson. Motion carried 4 to 3 with Councilmember Gonzalez, Councilmember Boyd and Councilmember Brown in opposition.

PH-22-011 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Eakin Commercial Properties, LTD (Case #Z21 44) to rezone approximately 0.271 acres, being part of Lots 2 & 4, Block 1, Eakin Commercial Addition Phase Two, from "B 3" (Local Business District) to "B 5" (Business District). The property is addressed as 5500 E. Central Texas Expressway and 2301 Rosewood 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 APPROXIMATELY 0.271 ACRES, BEING PART OF

LOTS 2 AND 4, BLOCK 1, EAKIN COMMERCIAL ADDITION PHASE TWO, FROM "B-3" (LOCAL BUSINESS DISTRICT) TO "B-5" (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Wallis Meshier, Director of Planning

The purpose of the request is to align the zoning district boundaries with the platted property lines of Lots 2 and 4 of the Eakin Commercial Addition and establish the same zoning district across the entirety of both lots. The property is designated as planned development on the Future Land Use Map (FLUM) of the Comprehensive Plan. The request is consistent with the intent of the FLUM. Staff notified eight (8) property owners. To date, staff has received no written response regarding the request. Staff recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 6 to 0.

The applicant, Ace Reneau, was available 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 Mayor Pro Tem Nash-King to approve PH-22-011. Motion was seconded by Councilmember Wilkerson. Motion carried 6 to 1 with Councilmember Brown in opposition.

PH-22-012 HOLD a public hearing and consider an ordinance amending the FY 2022 Annual Budget of the City of Killeen to adjust revenue and expenditure accounts in multiple funds.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2022 ANNUAL BUDGET OF THE CITY OF KILLEEN TO ADJUST REVENUE AND EXPENDITURE ACCOUNTS IN MULTIPLE FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Jon Locke, Executive Director of Finance

The purpose of the budget amendment is to carry forward unspent budget for projects, services, and purchases that began in FY 2021 and were not completed by the end of the fiscal year. Also included are budget amendments that have been identified by staff that effect City Manager's Office, Recreation Services, Animal Services, the Aviation Fund, HOME-American Rescue Plan grant, moving a flatbed trailer from Water/Sewer to the Fire Department and COVID grant funds for social distancing. City staff recommends City Council approve the ordinance amending the FY 2022 Annual Budget.

Mayor Segarra opened the public hearing.

Mr. Leo Gukeisen spoke neither for or against, he posed a question to better understand the budget amendment.

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

Mr. Locke was available to clarify the budget amendment.

Motion was made by Mayor Pro Tem Nash-King to approve PH-22-012. Motion was seconded by Councilmember Williams. Motion carried unanimously.

Discussion Items

DS-22-010 Discuss and Review Municipal Court Judge Applications

At 6:06 p.m., Mayor Segarra called for City Council to recess the meeting to Executive Session.

Per V.T.C.A., Government Code Section 551.074 the City Council will discuss and review Municipal Court Judge applications.

At 7:00 p.m., Mayor Segarra reconvened the City Council meeting.

Adjournment

With no further business, upon motion being made by Councilmember Williams, seconded by Mayor Pro Tem Nash-King, and unanimously approved, the meeting was adjourned at 7:00 p.m.