

City of Killeen
Regular City Council Meeting
Killeen City Hall
January 14, 2020 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Gregory Johnson, Shirley Fleming, Debbie Nash-King and Steve Harris

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

Absent: Councilmember Juan Rivera

Pastor Rucker with Passion for Christ Ministries gave the invocation; and Councilmember Fleming 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 Nash-King. The motion carried unanimously.

Citizen Petitions

CP-20-002 Leo Gukeisen - Corrected a statement that he made regarding impact fees during the city council meeting on December 17, 2019.

Citizens Comments

No one signed up to speak.

Consent Agenda

MN-20-001 Consider Minutes of Regular City Council Meeting of December 10, 2019.

MN-20-002 Consider Minutes of Regular City Council Meeting of December 17, 2019.

RS-20-001 Consider a memorandum/resolution amending the acceptance of the Victims of Crime Act (VOCA) Crisis Assistance Program grant through the Office of the Governor, Criminal Justice Division.

RS-20-002 Consider a memorandum/resolution appointing citizens to Animal Advisory Committee, Community Development Advisory Committee, Killeen Volunteers, Inc., and Planning and Zoning Commission.

RS-20-003 Consider a memorandum/resolution appointing a Council Member to Killeen Temple Metropolitan Planning Organization and appointing the City Manager to the Killeen Temple Metropolitan Planning Organization Technical Advisory Committee.

Motion was made by Councilmember Menking to approve consent agenda items. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

Ordinances

PH-19-049 Consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Leslie Shelley (**Case #Z19-26**) to rezone approximately 4.153 acres, being out of the W. H. Cole Survey, Abstract No. 200, from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District). The property is locally known as 211 Viola Drive, Killeen, Texas. (Tabled from December 17, 2019 Regular City Council Meeting)

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 4.153 ACRES, BEING OUT OF THE W. H. COLE SURVEY, ABSTRACT NO. 200 FROM "CD" (CEMETERY DISTRICT) TO "CD" (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND FROM "A" (AGRICULTURAL DISTRICT) TO "SF-2" (SINGLE -FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Interim Executive Director of Planning.

During the applicant's time to address City Council on December 17, 2019, Mr. Quintero advised City Council that the applicant has reconsidered the request and would like to change the initial request to the recommendation of staff and the Planning and Zoning Commission, which is for SR-1 size lot, setback with 7' side yard. City Council tabled the item with a request to bring back to the January 7, 2020 Workshop Meeting.

Motion was made by Mayor Pro Tem Kilpatrick to approve PH-19-049 with SR-1 size lot, setback with 7' side yard. Motion was seconded by Councilmember Nash-King. Motion carried 5 to 1 with Councilmember Harris in opposition.

Public Hearings

PH-20-001 **HOLD** a public hearing and consider an ordinance requested by Terry Tilghman of Integrated Power Company, on behalf of Yong Mullins (**Case #Z19-28**), to rezone approximately 3.807 acres, being out of the R. A. McGee Survey, Abstract No. 561, from "A" (Agricultural District) to "A" (Agricultural District) with a Conditional Use Permit (C.U.P.) for storage of construction equipment. The property is addressed as 259 Cloud 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 3.807 ACRES, BEING OUT OF THE R. A. MCGEE SURVEY, ABSTRACT NO. 561, FROM "A" (AGRICULTURAL

DISTRICT) TO "A" (AGRICULTURAL DISTRICT) WITH A CONDITIONAL USE PERMIT (C.U.P.); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Interim Executive Director of Planning. The property is designated as Rural "R" on the City's Future Land Use Map (FLUM); and, the request does not trigger the need for a FLUM amendment. Staff notified seven (7) surrounding property owners within 400' of the subject site regarding this request with no responses being received. Staff recommends that the City Council approve the applicant's C.U.P. request with the following conditions: the applicant shall return the property to the condition that it was prior to the proposed use; a storm water prevention program shall be in effect for the duration of the proposed use; no permanent development of pad sites or structures will take place on the site that would require the issuance and approval of permits; and, the C.U.P. is limited to a duration of 12 months. The Planning and Zoning Commission recommended approval of the applicant's C.U.P. request (with staff conditions) by a vote of 5 to 0.

Mayor Segarra invited the applicant to address City Council.

The applicant was not in attendance.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Johnson to approve PH-20-001 with staff's recommendations. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-20-002 **HOLD** a public hearing and consider an ordinance requested by Dusty Inc. c/o Rick Morris (**Case #Z19-29**) to rezone part of Lot 3, Block 1, Morris Subdivision Phase One, from "B-3" (Local Business District) to "R-2" (Two Family Residential District) for duplex development. The property is addressed as 1011 Anna Lee 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 PART OF LOT 3, BLOCK 1, MORRIS SUBDIVISION PHASE ONE, FROM "B-3" (LOCAL BUSINESS 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, Interim Executive Director of Planning. The property is designated as 'General Residential' ('GR') on the City's Future Land Use Map (FLUM); and, the applicant's request is consistent with the FLUM. Staff notified fifty-seven (57) surrounding property owners within 400' of the subject site regarding this request. Staff received three responses in support. Two

individuals spoke in opposition to the applicant's zoning request during the Planning & Zoning Commission meeting. Staff recommends that the City Council approve the applicant's "R-2" zoning request. The Planning and Zoning Commission recommended approval of the applicant's "R-2" zoning request by a vote of 5 to 0.

Mayor Segarra invited the applicant to address City Council.

Mr. Renau from Mitchell & Associates spoke in support of the request.

Mayor Segarra opened the public hearing.

Ms. Mellisa Brown spoke against the request.

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

Mr. Menking inquired if the applicant would be opposed to amending their request and consider rezoning the property to R-1. Motion was made by Councilmember Nash-King to table PH-20-002 until the next meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

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 5:34 p.m.