

City of Killeen
Regular City Council Meeting
Killeen City Hall
April 13, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Shirley Fleming, Councilmembers Debbie Nash-King, Terry Clark, Steve Harris, Ken Wilkerson, Rick Williams, and Mellisa Brown.

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

Councilmember Nash-King gave the invocation. Councilmember Williams led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro Tem Fleming to approve the agenda as written. Motion was seconded by Councilmember Nash-King. The motion carried unanimously.

Citizen Comments

Ms. TaNeika Driver-Moultrie spoke on Agenda Item RS-21-050.
Mr. Leo Gukeisen spoke on Agenda Item RS-21-050.

Consent Agenda

MN-21-009 Consider Minutes of Regular City Council Meeting of March 23, 2021.

RS-21-043 Consider a memorandum/resolution amending Resolution 21-027R, authorizing a grant agreement with the US Department of Justice, Office of Justice Programs for the purpose of a Project Safe Neighborhood grant in the amount of \$93,000.

RS-21-044 Consider a memorandum/resolution declaring a vacancy on the Civil Service Commission and appointing a new member to fill the unexpired term.

RS-21-045 Consider a memorandum/resolution approving an operating authority for Cove Taxi.

RS-21-046 Consider a memorandum/resolution awarding Bid No. 21-14, Construction of Two Traffic Signals, to Road Solutions, LLC., in the amount of \$546,358.71.

RS-21-049 Consider a memorandum/resolution accepting a Coronavirus Response and Relief Supplemental Appropriation (CRRSA) Act Airport Grant and Concession Relief Addendum.

Motion was made by Councilmember Nash-King to approve the consent agenda. Motion was seconded by Mayor Pro Tem Fleming. Motion carried unanimously.

Resolutions

- RS-21-047** Consider a memorandum/resolution authorizing a City/Owner Agreement in the amount of \$100,000 for the installation of a traffic signal and associated improvements located at the intersection of SH 201/Clear Creek Road and Golden Gate Drive.

Staff Comments: Danielle Singh, Executive Director of Public Works.
The city initially performed a traffic study which determined the current need for a signal at the referenced intersection. JOF Developers, Inc, developer of McGregor Estates has proposed cost sharing for installation of the signal. The developer received permits through TxDOT and constructed the signal. Total project cost is \$420,125; the requested city contribution amount is \$100,000. The signal would be covered under Traffic Signal Maintenance Agreement with TxDOT. City staff recommends approval of the city/owner agreement and authorizing the city manager or his designee to execute the agreement for the city's cost contribution in the amount of \$100,000 for the traffic signal and associated improvements project at the SH-201 and Golden Gate Drive intersection.

Motion was made by Councilmember Wilkerson to approve RS-21-047. Motion was seconded by Councilmember Clark. Motion carried 5 to 2 with Mayor Pro Tem Fleming and Councilmember Brown in opposition.

- RS-21-048** Consider a memorandum/resolution recommending to the Employee Benefits Trust the selection of MetLife for employee dental insurance and approving contracts for an online benefit system, life and disability insurance, vision insurance, and worksite benefits.

Staff Comments: Eva Bark, Executive Director of Human Resources.
On January 17, 2021, the City initiated a Request for Proposal 21-017 (RFP) to solicit bids for an online benefit enrollment system that also administers COBRA (Consolidated Omnibus Budget Reconciliation Act) and ACA (Affordable Care Act) reporting. The RFP also included the review of dental insurance and life insurance (basic life and basic accidental death and dismemberment) paid by the City, as well as voluntary term life and voluntary accidental death and dismemberment, disability insurance (voluntary short-term and long-term disability), vision insurance, and worksite benefits paid by the employee. Staff received and reviewed proposals from five (5) vendors that provide an online benefit enrollment system, five (5) dental vendors, eight (8) vision vendors, four (4) life and disability vendors, and nine (9) worksite benefits vendors. Staff recommends the City Council authorize the City Manager or his designee to enter into a contract with Web Benefits Design for online benefit enrollment and administration, effective August 1, 2021; an agreement with MetLife for voluntary life and disability insurance; an agreement with Avesis for vision; an agreement with Allstate for the worksite products, effective October 1, 2021 and recommending to the Employee Benefits Trust that the City enter into an agreement with MetLife for dental insurance with an estimated \$95,262 annual savings for the City and employees.

The City Manager or his designee are further authorized to execute any and all change orders authorized by law or policy

Motion was made by Councilmember Brown to approve RS-21-048. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-21-050 Consider a memorandum/resolution approving the appointment of an Assistant City Manager.

Staff Comments: Kent Cagle, City Manager.

On November 30, 2020, the Assistant City Manager position became vacant. On December 31, 2020, the City signed an agreement with Strategic Government Resources (SGR) to conduct an executive search for Assistant Manager candidates. SGR distributed a recruiting brochure nationwide resulting in fifty-nine (59) candidates, and questionnaires were sent to thirteen (13) of those candidates. Mr. Cagle and Human Resources reviewed six (6) video interviews and on March 24, 2021, Mr. Cagle extended a conditional offer of employment to Danielle Singh. Staff recommends that the City Council approve the City Manager's appointment of Danielle Singh as the City of Killeen's Assistant City Manager.

Motion was made by Councilmember Nash-King to approve RS-21-050. Motion was seconded by Councilmember Clark. Motion carried 4 to 3 with Mayor Pro Tem Fleming, Councilmember Williams and Councilmember Brown in opposition.

RS-21-051 Consider a memorandum/resolution approving the appointment of an Executive Director of Public Works.

Staff Comments: Kent Cagle, City Manager.

Based on the promotion of Danielle Singh to Assistant City Manager, the position of the Executive Director of Public Works becomes vacant. Mr. Cagle extended a conditional offer of employment to Jeffery Reynolds for the Executive Director of Public Works to oversee Solid Waste, Water & Sewer, Transportation, and Mowing and Drainage operations. With this transition, the Engineering Division will be moved from Public Works to the Planning and Development Department, under the supervision of Tony McIlwain, Executive Director of Planning and Development. Staff recommends that the City Council approve the City Manager's appointment of Jeff Reynolds as the Executive Director of Public Works.

Motion was made by Councilmember Nash-King to approve RS-21-051. Motion was seconded by Councilmember Clark. An amendment motion was made by Councilmember Brown to accept the appointment of Mr. Reynolds as the Executive Director of Public works with a salary of \$136,877. Without a second the amended motion died. Motion carried 5 to 2 with Councilmember Williams and Councilmember Brown in opposition.

Public Hearings

PH-21-012 **HOLD** a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City of Killeen to increase revenue in the Aviation fund.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2021 ANNUAL BUDGET OF THE CITY OF KILLEEN TO INCREASE REVENUE IN THE AVIATION FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Jon Locke, Executive Director of Finance.

The Federal Aviation Administration (FAA) offered the City a CRRSA Act Airport Grant in the amount of \$1,758,480 for the Killeen-Fort Hood Regional Airport. This grant can only be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens, and debt service payments. The City has also been offered a CRRSA Concessions Relief Addendum to this grant, in the amount of \$37,830, which provides relief from rent and minimum annual guarantees for eligible airport concessions. This budget amendment will recognize revenues for two grants offered by the FAA. The CRRSA Act Airport Grant, in the amount of \$1,758,480, will cover costs related to operations and personnel for the Killeen-Fort Hood Regional Airport. The CRRSA Concessions Relief Addendum grant, in the amount of \$37,830, will provide relief from rent and minimum annual guarantees for airport concessions. City staff recommends city council approve the ordinance amending the FY 2012 annual budget.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Wilkerson to approve PH-21-012. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

PH-21-013 HOLD a public hearing and consider an ordinance adopting water and wastewater impact fees.

The City Secretary read the caption of the ordinance.

AN ORDINANCE ADDING CHAPTER 33, IMPACT FEES; PROVIDING FOR COLLECTION OF WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR OFFSETS AND CREDITS AGAINST IMPACT FEE CHARGES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

On March 9, 2021, City Council held the first public hearing on water and wastewater impact fees, approved the water and wastewater capital improvement plan and land use assumptions, and set the date for the final public hearing on the imposition of impact fees for April 13, 2021. In accordance with the Texas Local Government Code, notice for the final public hearing has been published in a

newspaper and the impact fee draft report has been made available to the public on our website. An impact fee shall be approved or disapproved within 30 days of the final public hearing on the imposition of an impact fee. The maximum assessable impact fee per service unit for wastewater is equal to \$418. The maximum assessable impact fee per service unit for water is equal to \$1,161. The City Council may establish impact fees at a rate equal to or less than the maximum assessable impact fee per service unit. On March 10, 2021 the Capital Improvement Advisory Committee voted to recommend that the City Council adopt the maximum assessable water and wastewater impact fees per service unit. Committee Chairman Louie Minor presented the committee's findings and recommendation to the City Council. City staff recommends that the City Council adopt the ordinance establishing water and wastewater impact fees.

Mayor Segarra opened the public hearing.

Mr. Leo Gukeisen spoke in favor of the agenda item.
Ms. Holly Teel spoke in opposition of the agenda item.
Mr. Jim Wright spoke in opposition of the agenda item.
Mr. Gary Purser spoke in opposition of the agenda item.

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

Motion was made by Councilmember Brown to approve PH-21-013. Motion was seconded by Councilmember Williams. Motion carried 6 to 1 with Councilmember Nash-King in opposition.

PH-21-014 HOLD a public hearing and consider an ordinance amending Chapter 31 of the Code of Ordinances, fence standards.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S FENCING STANDARDS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Planning.

The purpose of this proposed ordinance is to amend the City's existing standards regarding fence materials. The primary intent of the proposed standards is to limit the use of makeshift and salvaged materials from being used to construct fences and to ensure that new fences within the City of Killeen are aesthetically pleasing. Staff finds that the proposed ordinance is necessary to improve the visual appearance of fences within the City of Killeen. The Planning & Zoning Commission recommended approval of the proposed ordinance by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Nash-King to approve PH-21-014. Motion was seconded by Councilmember Williams. Motion carried unanimously.

PH-21-015 HOLD a public hearing and consider an ordinance requested by Michael E. Linnemann, on behalf of Rivadel Rivera Ortego (**Case #Z21-02**), to rezone part of Lot 2, Block 1, Rivera Addition from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 5105 Westcliff 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 PART OF LOT 2, BLOCK 1, RIVERA ADDITION, 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, Executive Director of Planning.

The property consists of an existing two-family residential dwelling. The purpose of this request is to rezone the property to "R-2" in order to bring the existing use into conformance with the zoning ordinance. Prospective buyers have had difficulty securing financing for the property due to the nonconforming nature of the existing two-family dwelling. The subject property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. Although the applicant's request is not consistent with the Future Land Use Map (FLUM), staff is of the determination that an amendment to the FLUM is not warranted at this time. Staff notified forty-four (44) surrounding property owners within 400 feet of the subject property regarding this request. Staff has received one (1) response in support of the request. Planning & Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Michael Linnemann, appeared before city council 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 Clark to approve PH-21-015. Motion was seconded by Mayor Pro Tem Fleming. Motion carried unanimously.

PH-21-016 HOLD a public hearing and consider an ordinance requested by Eddie Bogard, P.E. on behalf of Florence HH MHP, L.L.C. (**Case #Z21-01**) to rezone approximately 6.589 acres from "R-MH" (Mobile Home District), "R-1" (Single-Family Residential District), and "R-MH" with a Conditional Use Permit (CUP) for a Communication Tower to "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication

Tower. The properties are addressed as 3109 and 3205 Florence 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 6.589 ACRES OUT OF THE JOHN ESSARY SURVEY, ABSTRACT NO. 296, FROM "R-MH" (MOBILE HOME DISTRICT), "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), AND "R-MH" WITH A CONDITIONAL USE PERMIT (CUP) FOR A COMMUNICATION TOWER TO "R-MP" (MOBILE HOME AND TRAILER PARK DISTRICT) AND "R-MP" (MOBILE HOME AND TRAILER PARK DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR A COMMUNICATION TOWER; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Planning.

The subject property currently consists of an abandoned mobile home park and two existing single-family homes. There is an existing Communications Tower in the northeast corner of the property with a CUP (Conditional Use Permit) zoning overlay. This Conditional Use Permit was approved by the Council on October 17, 2017 via Ordinance 17-53. If approved, this rezoning would not affect the existing Conditional Use Permit for the communications tower. Only the underlying zoning would be affected. The purpose of this request is to rezone the property to "R-MP" (Mobile Home and Trailer Park District) to allow for redevelopment of the site as a commercial RV Park. The current "R-MH" (Mobile Home District) zoning district is inactive and permits only manufactured homes; it does not permit RV Parks. If approved, the applicant would be required to redevelop this site in conformance with all current City standards for travel trailer parks. This property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. Staff is of the determination that, because the proposed RV park will be run as a commercial business, the request is consistent with the Future Land Use Map. Staff notified eighty (80) surrounding property owners within 400 feet of the subject property regarding this request. To date, staff has received one (1) written response in opposition to the request. The Planning & Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Eddie Bogard, appeared before city council 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 Wilkerson to approve PH-21-016. Motion was seconded by Councilmember Williams. Motion carried unanimously.

PH-21-017 HOLD a public hearing and consider an ordinance requested by Dolores Lorta (**Case #Z21-03**) to rezone Lots 10 and 11, Block 4, Hillview Addition from "B-4" (Business District) to "R-1" (Single-Family Residential District). The property is addressed as 209 N. Gilmer Street, 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 LOTS 10 AND 11, BLOCK 4, HILLVIEW ADDITION, FROM "B-4" (BUSINESS DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Planning.

This subject property consists of an existing single-family residence. The purpose of this request is to rezone the property to "R-1" in order to bring the existing single-family residence into conformance with the zoning ordinance. Prospective buyers have had difficulty securing financing for the property due to the nonconforming nature of the existing single-family home. This area is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The applicant's request is consistent with the FLUM. Staff notified fifty-eight (58) surrounding property owners within 400 feet of the subject property regarding this request. Staff has received one (1) response in support of the request. Staff finds that, if approved, the requested "R-1" zoning will bring the property into conformance with the City's current zoning regulations. The Planning & Zoning Commission recommended approval of the request by a vote of 5 to 1 with Commissioner Boyd in opposition.

Mayor Segarra invited the applicant to speak.

The applicant, Ms. Delores Lorta, did not appear before city council but was in the audience to answer questions if city council had any which they did not.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Nash-King to approve PH-21-017. Motion was seconded by Councilmember Wilkerson. Motion carried unanimously.

PH-21-018 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Yong Su and Sun Hung Ko (**Case #Z21-04**) to rezone approximately .447 acres, being out of the H. O'Neal Survey, Abstract No. 645, from "B-5" (Business District) to "R-2" (Two-Family Residential District). The property is addressed as 1600 N. 8th Street, 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 .447 ACRES, BEING OUT OF

THE H. O'NEAL SURVEY, ABSTRACT NO. 645, FROM "B-5" (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, Executive Director of Planning.

The subject property is currently undeveloped. If approved, the applicant intends to construct at least one two-family dwelling on the property. Should the property owner wish to subdivide it into two lots, the site could accommodate up to two (2) two-family dwellings. The subject property is identified as 'Residential-Commercial Mix' (RC-MX) on the Future Land Use Map (FLUM) of the Comprehensive Plan. Staff finds that the applicant's request is consistent with the FLUM. Staff notified seventy-four (74) surrounding property owners within 400 feet of the subject property regarding this request. No responses in support or opposition of the request have been submitted. Staff recommends approval of the request as presented. The Planning & Zoning Commission recommended approval of the request by a vote of 5 to 1.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Mitchell, did not appear before city council but was in the audience to answer questions if city council had any which they did not.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Brown to approve PH-21-018. Motion was seconded by Mayor Pro Tem Fleming. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Nash-King, seconded by Councilmember Williams, and unanimously approved, the meeting was adjourned at 7:25 p.m.