

City of Killeen
City Council Meeting
Killeen City Hall
June 22, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Debbie Nash-King, Councilmembers Jessica Gonzalez, Nina Cobb, Ken Wilkerson, Rick Williams, and Mellisa Brown.

Also attending were City Manager Kent Cagle, Deputy City Attorney Holli Clements, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Absent: Councilmember Steve Harris

Pastor Andrew Long, Sr. gave the invocation. Councilmember Cobb 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 Wilkerson. The motion carried unanimously.

Citizen Comments

No citizens signed up to speak.

Ordinances

OR-21-011 Consider an ordinance canvassing the returns and declaring results of the June 12, 2021 Second Election.

The City Secretary read the caption of the ordinance.

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A SECOND ELECTION HELD JUNE 12, 2021 FOR THE ELECTION OF A DISTRICT COUNCILMEMBER FOR DISTRICT 4.

Councilmember Wilkerson read the ordinance that certified the election results, stating the number of votes each candidate received, and that Michael Boyd was elected as Councilmember for District 4.

Motion was made by Mayor Pro Tem Nash-King to approve OR-21-011, declaring Michael Boyd the elected councilmember for District 4. Motion was seconded by Councilmember Brown. Motion carried unanimously.

Oath of Office & Certificate of Election

Judge Mark Kimball administered the Oath of Office to Michael Boyd. Mayor Segarra presented the Certificate of Election to Councilmember Boyd.

Standards of Conduct

City Manager, Kent Cagle, read the Standards of Conduct while all the councilmembers signed the Standards of Conduct.

Call to Order and Roll Call

Newly appointed Councilmember Boyd was seated at the Dias. Mayor Segarra called the meeting to order at 5:14 p.m. and took roll call, noting that all councilmembers were present.

Consent Agenda

- MN-21-015** Consider Minutes of Regular City Council Meeting of June 8, 2021.
- RS-21-081** Consider a memorandum/resolution authorizing the execution of an agreement with Bio Chem Lab, Inc for additional water quality testing for water received from the Stillhouse Surface Water Treatment Plant in the amount of \$27,245.
- RS-21-082** Consider a memorandum/resolution accepting a Federal Aviation Administration Airport Improvement Grant for the Rehabilitate Terminal Capital Equipment System project at Killeen-Fort Hood Regional Airport.
- RS-21-083** Consider a memorandum/resolution awarding Bid No. 21-24, Rehabilitate Terminal Capital Equipment System at Killeen-Fort Hood Regional Airport, with Lochridge-Priest, Inc. in the amount of \$3,693,871.
- RS-21-084** Consider a memorandum/resolution approving additional funding from the Texas Department of Housing and Community Affairs to participate in the Texas Emergency Rental Assistance Program and the Texas Eviction Diversion Program.
- RS-21-086** Consider a memorandum/resolution entering into a Settlement Agreement with the United States of America (Department of Justice) under the Americans With Disabilities Act (DJ 204-76-220).

Motion was made by Councilmember Wilkerson to approve the consent agenda. Motion was seconded by Councilmember Williams. Motion carried unanimously.

Resolutions

- RS-21-085** Consider a memorandum/resolution authorizing a fireworks display at the Killeen Special Events Center on July 3, 2021.
Staff Comments: Holli Clements, Deputy City Attorney.
Ms. Clements provided City Council with updated information concerning the request from Mr. Bear Jones to conduct a fireworks display on July 3, 2021 at the Killeen Special Events Center.

Motion was made by Councilmember Brown to approve RS-21-085. Without a second, the motion died. Motion was made by Councilmember Wilkerson to disapprove RS-21-085. Motion

was seconded by Mayor Pro Tem Nash-King. Motion carried 6 to 1 with Councilmember Brown in opposition. Councilmember Brown made a point of order and requested for the record to reflect that a previous point of order to allow discussion after the motion and second on the floor was denied and that councilmembers were not able to fully ask questions before the vote.

Public Hearings

PH-21-026 HOLD a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City of Killeen to increase revenue and expense accounts in Aviation funds and the Community Development Block Grant (CDBG) 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 AND EXPENSE ACCOUNTS IN AVIATION FUNDS AND THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Miranda Drake, Director of Budget.

Ms. Drake presented this item to City Council at the June 15, 2021 Workshop Meeting. Ms. Drake was available for any questions. City staff recommends City Council approve the ordinance amending the FY 2021 Annual Budget.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Brown to approve PH-21-026. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried unanimously.

PH-21-027 HOLD a public hearing and consider an ordinance authorizing the 2021-2022 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. **(1st of 2 Public Hearings)**

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2021-2022 PROGRAM YEAR ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$1,114,792.00 IN PY 2021-22/FISCAL YEAR 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR RE-PROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$1,130,386.53 OF CDBG FUNDS; AND THE APPLICATION OF \$491,222.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS, THE USE OF PRIOR YEAR REPROGRAMMABLE FUNDS AND PY 2021-22 PROGRAM INCOME FOR A TOTAL EXPENDITURE OF \$663,771.97 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Comments: Leslie Hinkle, Executive Director of Community Development Ms. Hinkle and Community Development Advisory Committee President Mr. Adams presented this item to City Council at the June 15, 2021 Workshop Meeting. Ms. Hinkle was available for any questions. City staff recommends holding the public hearing and then following the 30-day comment period and second public hearing, staff further recommends approval of the ordinance adopting the 2021-2022 Annual Action Plan and authorizing application for CDBG and HOME funds.

Mayor Segarra opened the public hearing.

Ms. Janell Frazier spoke in favor.

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

A second public hearing is scheduled for July 27, 2021.

PH-21-028 HOLD a public hearing and consider an ordinance requested by Ray Pratoft, on behalf of Yong Ballheimer (**Case #Z21-10**), to rezone a portion of Block 1, Lot 2, La Mer Addition Phase Two, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 403 East Stan Schlueter Loop, Suite 301, 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 SUITE 301 OUT OF THE LA MER ADDITION PHASE TWO, BLOCK 1, LOT 2 FROM "B-5" (BUSINESS DISTRICT) TO "B-C-1" (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services. The subject property is designated as General Commercial on the Future Land Use Map (FLUM) of the Comprehensive Plan. Should this request be approved, the applicant intends to offer alcohol sales at an existing hookah bar. The requested "B-C-1" (General Business and Alcohol Sales District) zoning district allows the on-premise consumption of alcohol without a Food and Beverage Certificate, and shall follow the rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic Beverage Commission, as amended. Staff notified twenty-four (24) surrounding property owners within 400' of the property. To date, staff has received one (1) written response in opposition of the request. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant was not in attendance.

Mayor Segarra opened the public hearing.

Mr. Willem Henke spoke on the agenda item stating that he was not against alcohol being served at this location, but that his concern was the ongoing vibrating of his home's windows caused by the noises coming from the establishment.

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

Motion was made by Councilmember Brown to postpone PH-21-028 until the completion of an updated commercial noise ordinance. Without a second, the motion died. Motion was made by Councilmember Wilkerson to disapprove PH-21-028. Motion was seconded by Councilmember Brown. Motion carried unanimously.

PH-21-029 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates Inc. on behalf of James Herring (Case #Z21-11) to rezone 55.1 acres out of the W.E. Hall Survey, A-No. 1116, from "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is generally located along the north right-of-way of Chaparral Road, between James Herring Way and East 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 55.1 ACRES OUT OF THE W.E. HALL SURVEY, ABSTRACT NO. 1116; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services. This property is designated as 'Suburban Residential' (SR) on the Future Land Use Map (FLUM) of the Comprehensive Plan. Should this request be approved, the applicant intends to develop approximately one-hundred and twenty (120) single-family homes on the property. Staff notified forty-five (45) surrounding property owners within 400' of the property. To date, staff has not received any responses. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Ace Reneau with Mitchell & Associates, 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-21-029. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried 6 to 1 with Councilmember Brown in opposition.

Adjournment

With no further business, upon motion being made by Mayor Pro Tem Nash-King, seconded by Councilmember Wilkerson, and unanimously approved, the meeting was adjourned at 6:27 p.m.