

City of Killeen
Regular City Council Meeting
Killeen City Hall
December 17, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera, 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.

Mr. Williams gave the invocation; and Mayor Segarra 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.

Presentations

PR-19-004 Presentation – Bell County Child Safety Check
Bell County Tax Assessor-Collector Shay Luedeke presented a check to the City of Killeen in the amount of \$161,651.45, collected by the county on vehicle registrations to be used for school crossings or health services.

Citizens Comments

Ms. Holly Teel – spoke on Agenda Item OR-19-028
Mr. Leo Gukeisen – spoke on Agenda Item OR-19-028
Mr. Johnny Frederick – spoke on Agenda Item OR-19-028
Mr. Gary Purser – spoke on Agenda Item OR-19-028

Consent Agenda

RS-19-121 Consider a memorandum/resolution approving an operating authority to Limo Company Transportation, LLC.

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

Mayor Segarra requested a change to the order of the agenda items, moving Agenda Item PH-19-044 before Agenda Item OR-19-028.

Public Hearings

PH-19-044 **HOLD** a public hearing and consider a memorandum/resolution approving the addition of an honorary street designation of “Bishop Nate Holcomb Mem. Blvd.” to Cunningham Road signs.

Staff Comments: Tony McIlwain, Interim Executive Director of Planning. Christian House of Prayer has requested to add the honorary street name of “Bishop Nate Holcomb Mem. Blvd” to road signs along Cunningham Road. The Public Works-Streets Division estimates that the total project will cost approximately \$3,869. The applicant will be responsible for the costs associated with the installation of the new city street signs. Sign(s) replacement will be implemented upon receipt of payment for the costs associated with the installation of the new street signs. Staff recommends that the City Council approve the addition of the honorary street name of “Bishop Nate Holcomb Mem. Blvd.” to the sixteen (16) existing road signs along Cunningham Road.

Mayor Segarra invited the applicant to address City Council.

Mr. Joseph Solomon spoke in support of the request.

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-19-044. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Ordinances

OR-19-028 Consider an ordinance amending the Code of Ordinances by adding Chapter 33, Impact Fees establishing roadway, 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 ROADWAY, 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 Ms. Singh reviewed the required process allowing for the collection of impact fees. She further identified that all of the steps had been completed, including identifying service areas, creating a capital improvements advisory committee, receiving the committee’s recommendations regarding projects that could apply to future impact fees, and holding the required public hearings. City staff recommends that City

Council adopt the ordinance implementing water, wastewater, and roadway impact fees as recommended by the Capital Improvement Advisory Committee.

Motion was made by Councilmember Fleming to approve OR-19-028. Motion was seconded by Councilmember Johnson. Motion failed 3 to 4 with Councilmember Menking, Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King being in opposition.

Public Hearings

PH-19-044 Agenda Item was presented and voted on before Agenda Item OR-19-028.

PH-19-045 **HOLD** a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc. (**Case #FLUM 19-12**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' designation to a 'General Residential' designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. The property is located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR 2.90 ACRES LOCATED ON THE WEST RIGHT-OF-WAY OF CLEAR CREEK ROAD, APPROXIMATELY 350 FT. NORTH OF THE PROPOSED GOLDEN GATE DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

The applicant is requesting an amendment to the Comprehensive Plan's Future Land Use Map (FLUM) to develop the land with general residential characteristics. Staff recommends that the city council disapprove the applicant's request to amend the Comprehensive Plan's Future Land Use Map (FLUM) to a 'General Residential'. The Planning and Zoning Commission recommended disapproval of the applicant's request by a vote of 5 to 1, with Commissioner Holly opposed to the motion.

Mayor Segarra invited the applicant to address City Council.

The applicant did not attend the meeting.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Pro Tem Kilpatrick to disapprove PH-19-045. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-19-046 **HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Mesa Verde Developers, L.P. and Tara Campbell (**Case #Z19-16**) to rezone approximately 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, from “B-3” (Local Business District) and “A” (Agricultural District) to “R-1” (Single-Family Residential District). The property is located south of the Renick Ranch Subdivision, 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 24.9 ACRES, OUT THE W. L. HARRIS SURVEY, ABSTRACT NO. 1155, FROM “B-3” (LOCAL BUSINESS DISTRICT) AND “A” (AGRICULTURAL) 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, Interim Executive Director of Planning. The applicant’s request is consistent with the FLUM. Staff notified twenty-nine (29) surrounding property owners that own land within 400’ of the subject site regarding this request. Staff received a response from Phyllis Ferguson, the owner of 2002 W. Stan Schlueter Loop (neither for nor against the request). Staff recommends that the City Council approve the applicant’s “R-1” zoning request. The Planning and Zoning Commission recommended approval of the applicant’s “R-1” zoning request by a vote of 4 to 1 with Commissioner Gukeisen opposed to the motion. Commissioner Alvarez recused himself from the vote.

Mayor Segarra invited the applicant to address City Council.

Mr. Quintero spoke in support of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-19-046. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1 with Councilmember Harris in opposition.

PH-19-047 **HOLD** a public hearing and consider an ordinance requested by Allen Cloud on behalf of the Killeen Church of Christ (Case #Z19-24) to rezone approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition, from “R-1” (Single-Family Residential District) to “B-5” (Business District). The property is addressed as 400 N. W.S. Young 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 5.80 ACRES, BEING PART OF LOT 1, BLOCK 1, CHURCH OF CHRIST ADDITION, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “B-5” (BUSINESS 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. Staff notified seventeen (17) surrounding property owners within a four hundred feet (400’) notification boundary. Staff has received no responses from surrounding property owners. Staff recommends that the City Council approve the applicant’s “B-5” zoning request. The Planning and Zoning Commission recommended approval of the applicant’s “B-5” zoning request by a vote of 5 to 0. Commissioner Alvarez recused himself from the vote.

Mayor Segarra invited the applicant to address City Council.

Mr. Cloud spoke in support of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-19-047. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-19-048 **HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C. (**Case #Z19-25**) to rezone approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116, from “A-R1” (Agricultural Single-Family Residential District) and “A” (Agricultural District) to “SR-1” (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, 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 75.9 ACRES, BEING OUT OF THE W. E. HALL SURVEY, ABSTRACT NO. 1116 FROM “A-R1” (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND “A” (AGRICULTURAL DISTRICT) TO “SR-1” (SUBURBAN RESIDENTIAL 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.

The applicant's request is consistent with the FLUM. Staff notified eight (8) surrounding property owners within 400' of the subject site regarding this request. As of the date of this staff report, no responses have been received. Staff recommends that the City Council approve the applicant's "SR-1" zoning request. The Planning and Zoning Commission recommended approval of the applicant's "SR-1" zoning request by a vote of 5 to 1, with Commissioner Gukeisen opposed to the motion.

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.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-19-048. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1 with Councilmember Harris in opposition.

PH-19-049 **HOLD** a public hearing and 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.

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.

The applicant's request is consistent with the FLUM. Staff notified ninety-one (91) surrounding property owners that own land within 400' of the subject site regarding this request. As of the date of this staff report, no responses have been received. Staff recommends that the City Council approve "CD" to "CD" with a CUP for the more restrictive "R-1" minimum lot size and residential setbacks and for a rezone from "A" to "R-1". The Planning and Zoning Commission recommended approval of the applicant's zoning request (based on staff's "R-1" recommendation) by a

vote of 3 to 2 with Commissioners O'Brien and Payton opposed to the motion.
Commissioner Alvarez recused himself from the vote.

Mayor Segarra invited the applicant to address City Council.

Mr. Quintero updated City Council letting them know 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.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Fleming to table PH-19-049 and bring back to City Council on January 7, 2020. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Mayor Pro Tem Kilpatrick, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 6:23 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary