

City of Killeen
Regular City Council Meeting
Killeen City Hall
January 28, 2020 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming, 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 Debbie Nash-King

Pastor Charles Reid, Jr., gave the invocation; and Rudolpho Alvarez 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 Fleming. The motion carried unanimously.

Citizens Comments

No citizens signed up to speak.

Consent Agenda

MN-20-003 Consider Minutes of Regular City Council Meeting of January 14, 2020.

RS-20-004 Consider a memorandum/resolution authorizing the procurement of fleet vehicles and equipment.

RS-20-005 Consider a memorandum/resolution authorizing the award of Bid No. 20 04, Transfer Station Tipping Floor Resurfacing to American Restore, Inc.

OR-20-001 Consider an ordinance calling the May 2, 2020 General Election to elect a Mayor and three Council Members at Large.

OR-20-002 Consider an ordinance calling the May 2, 2020 Special Election amending the Sales Tax Rate.

PH-20-002 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. (Tabled from January 14, 2020 City Council Meeting)

THE CITY SECRETARY READ THE CAPTION OF THE ORDINANCES

OR-20-001 - AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS-AT-LARGE; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THE NAMES PRINTED ON THE OFFICIAL BALLOT; FIXING THE TIME WITHIN SUCH APPLICATION MAY BE FILED; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR ELECTION WORKER COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.

OR-20-002 - AN ORDINANCE ORDERING THE HOLDING OF A SPECIAL ELECTION IN THE CITY OF KILLEEN, TEXAS, TO CONSIDER A COMBINED PROPOSITION ABOLISHING THE ADDITIONAL SALES AND USE TAX WITHIN THE CITY OF KILLEEN AND ADOPTING A SALES AND USE TAX WITHIN THE CITY OF KILLEEN AT A RATE OF ONE AND ONE-HALF PERCENT; SPECIFYING THAT THE PROVISIONS OF THE ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR ELECTION WORKER COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.

PH-20-002 - 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.

Motion was made by Councilmember Menking to approve consent agenda items. Motion was seconded by Councilmember Fleming. Councilmember Harris made a motion to amend Councilmember Menking’s motion by requesting that PH-20-002 be removed from Consent Agenda and be considered separately. Councilmember Rivera seconded the amendment motion. The amended motion carried unanimously. The motion as amended carried unanimously.

PH-20-002 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. (Tabled from January 14, 2020 City Council Meeting)

Motion was made by Mayor Pro Tem Kilpatrick to approve PH-20-002. Motion was seconded by Councilmember Rivera. Motion carried 4 to 2, with Councilmember Harris in opposition and Councilmember Fleming abstaining which results in a “no” vote.

Public Hearings

PH-20-003 **HOLD** a public hearing and consider an ordinance requested by William Jones on behalf of Kyoung Enterprises, Inc. (Case #FLUM 19 13) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘General Commercial’ designation to a ‘General Residential’ designation for approximately 2.104 acres, being part of Lot 1, Block 1, Kyoung Commercial Addition. The property is addressed as 3804 W. Stan Schlueter Loop, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN’S FUTURE LAND USE MAP FROM A ‘GENERAL COMMERCIAL’ DESIGNATION TO A ‘GENERAL RESIDENTIAL’ DESIGNATION FOR APPROXIMATELY 2.104 ACRES, BEING PART OF LOT 1, BLOCK 1, KYOUNG COMMERCIAL ADDITION, 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. Mr. McIlwain gave a brief overview of the FLUM amendment request. Staff recommends disapproval of the applicant’s request to change the FLUM from General Commercial to General Residential. The Planning and Zoning Commission recommended disapproval of the applicant’s FLUM request by a vote of 4 to 1, with Commissioner Gukeisen in opposition of the motion.

Mayor Segarra invited the applicant to address City Council.

Mr. Kenneth Gene, project contractor spoke in favor of the request.

Mr. William Jones, applicant spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mr. Bear Jones spoke against the request.

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

Motion was made by Councilmember Johnson to disapprove PH-20-003. Motion was seconded by Councilmember Harris. Motion carried unanimously.

PH-20-004 **HOLD** a public hearing and consider an ordinance requested by William Jones on behalf of Kyoung Enterprises, Inc. (Case #Z19 30), to rezone approximately 2.104 acres, being part of Lot 1, Block 1, Kyoung Commercial Addition, from “B 5”

(Business District) to “R MP” (Mobile Home and Trailer Park District) for a proposed RV park. The property is located at 3804 W. Stan Schlueter Loop, Killeen, Texas. (Requires 3/4 majority vote)

Following the disapproval of the FLUM amendment (PH-20-003), the applicant withdrew his rezoning request.

PH-20-005 **HOLD** a public hearing and consider an ordinance amending the FY 2020 Annual Budget of the City of Killeen to authorize the carry forward of FY 2019 expenditure budgets to the FY 2020 budget.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2020 ANNUAL BUDGET OF THE CITY OF KILLEEN TO AUTHORIZE THE CARRY FORWARD OF FY 2019 EXPENDITURE BUDGETS TO THE FY 2020 BUDGET; 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 purpose of budget amendment is to carry forward unspent budget for projects, services, and purchases that began in FY 2019 and were not completed by the end of the fiscal year. The unspent budget fell into fund balance. This amendment will move the unspent FY 2019 budget into FY 2020 and is necessary to honor outstanding contracts and commitments already made. Staff recommends city council approve the ordinance amending the Annual Budget for FY 2020.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-20-005. Motion was seconded by Councilmember Menking. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Harris, and unanimously approved, the meeting was adjourned at 5:36 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary