

City of Killeen
Regular City Council Meeting
Killeen City Hall
October 13, 2020 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick (via video conference), Councilmembers Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming (via video conference), Debbie Nash-King and Steve Harris.

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; and Councilmember Menking led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro Tem Kilpatrick to approve the agenda moving agenda item DS-20-082 to follow agenda item PH-20-036. Motion was seconded by Councilmember Fleming. The motion carried unanimously.

Citizen Comments

No citizens signed up to speak.

Discussion Items

DS-20-082 Receive Advice from City Attorney Regarding a Pending Personnel Matter
AGENDA ITEM MOVED TO FOLLOW LAST AGENDA ITEM (PH-20-036)

Consent Agenda

MN-20-020 Consider Minutes of Regular City Council Meeting of September 22, 2020.

RS-20-101 Consider a memorandum/resolution rescheduling the City Council meetings for November and December 2020.

RS-20-102 Consider a memorandum/resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the 2020 Rate Review Mechanism filings.

RS-20-103 Consider a memorandum/resolution appointing members to the Killeen Economic Development Corporation and the Tax Increment Reinvestment Zone Number Two Board.

- RS-20-104** Consider a memorandum/resolution authorizing a professional services agreement with Halff Associates, Inc., in the amount of \$127,000 to develop and establish the Parks Master Plan.
- RS-20-105** Consider a memorandum/resolution authorizing the Solid Waste Division to purchase containers and parts for the City of Killeen's solid waste collection systems in an amount not to exceed \$247,500.
- RS-20-106** Consider a memorandum/resolution authorizing the procurement of fleet vehicles and equipment in the amount of \$5,018,476.
- RS-20-107** Consider a memorandum/resolution approving the Arts Commission grant recommendations for fiscal year 2021 in the amount of \$85,000.
- RS-20-108** Consider a memorandum/resolution authorizing the Texas Department of Transportation-Aviation Division to act as the agent for the administration for airfield improvements at Skylark Field.
- RS-20-109** Consider a memorandum/resolution adopting 2021-2022 State Legislative Priorities and Principles.
- RS-20-110** Consider a memorandum/resolution authorizing the award of a professional services agreement to Schlueter Group for state legislative representation in the amount of \$100,000 per contract year.
- OR-20-028** Consider an ordinance amending Chapters 8 and 31 of the Code of Ordinances to repeal certain fee provisions.

THE CITY SECRETARY READ THE CAPTION OF THE ORDINANCE

OR-20-028 - AN ORDINANCE AMENDING CHAPTERS 8 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, TO REPEAL CERTAIN FEE PROVISIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Public Hearings

- PH-20-033** **HOLD** a public hearing and consider an ordinance requested by Ramon Alvarez, on behalf of Bruce Levell (**Case #Z20-13**), to rezone approximately 1.375 acres out of the G. W. Farris Survey, Abstract No. 306, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District). The property is addressed as 4904 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 1.375 ACRES OUT OF THE G. W. FARRIS SURVEY, ABSTRACT NO. 306, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “B-3” (LOCAL BUSINESS 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 area is designated as ‘General Commercial’ (‘GC’) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The surrounding community is made up of a mix of commercial and residential developments of varying densities. The applicant intends to advertise the lot and sell the property as low intensity commercial office space. Staff notified thirty-two (32) surrounding property owners regarding this request. As of today, no responses have been received indicating there is any objection to the request. Staff finds that the proposed use as commercial office space is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character. It is noted that over time Trimmier Road has seen an increase in commercial zoning requests extending from the Stan Schlueter Loop (FM 3470) corridor to the south. The Planning and Zoning Commission recommended approval of the request by a vote of 4 to 0, with Commissioner Alvarez abstaining as he is the applicant’s agent.

Mayor Segarra invited the applicant to speak.

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 Rivera to approve PH-20-033. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

PH-20-034 **HOLD** a public hearing and consider an ordinance requested by Mark and Lea Cuatt (**Case #Z20-14**) to rezone approximately 4.84 acres out of the E. W. Lawler Survey, Abstract No. 517, from “R-1” (Single-Family Residential District) to “A” (Agricultural District). The property is addressed as 2120 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 APPROXIMATELY 4.84 ACRES OUT OF THE E. W. LAWLER SURVEY, ABSTRACT NO. 517, FROM “R-1”

(SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “A” (AGRICULTURAL 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 area is designated as ‘Suburban Residential’ (‘SR’) on the Future Land Use Map (FLUM) of the Comprehensive Plan which will not need to be amended with the request to rezone to agricultural district. The surrounding community is made up of a mix of undeveloped land and residential developments of varying densities. The applicant intends to house and use the land for grazing of horses. Industry guidelines indicate there should be one horse per acre. The requestor has indicated they have two horses. Staff will work with the applicant to ensure they meet fencing requirements. Staff notified seventy-five (75) surrounding property owners regarding this request. As of today, one response has been received in favor of the request and one response has been received in opposition. A reason was not stated to the opposition of the applicant’s request. Three (3) individuals spoke in favor of the request during the Planning and Zoning Commission meeting public hearing. Staff finds that the proposed use to house and use the land for grazing of horses is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character. The Planning and Zoning Commission recommended approval of the request by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Mr. Cuatt appeared before city council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

Ms. Holly Teel spoke in support of the request.

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

Motion was made by Councilmember Fleming to table PH-20-034. Motion was seconded by Mayor Pro Tem Kilpatrick. Following discussions, Mayor Pro Tem Kilpatrick withdrew his second and Councilmember Fleming withdrew her motion to table the item. Motion was made by Councilmember Fleming to approve PH-20-034. Motion was seconded by Councilmember Menking. Motion carried unanimously.

PH-20-035 **HOLD** a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City of Killeen to increase expenses 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 EXPENSE ACCOUNT IN THE AVIATION FUND;
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN
CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE;
AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Jon Locke, Executive Director of Finance.

The Texas Department of Transportation Aviation Division notified the Aviation Department on September 21st that Skylark Field was programmed for \$675,000 in FY 2021 for airfield improvements. Notification was received after the FY 2021 Budget was adopted. This budget amendment increases expenses in the amount of \$67,500. As a condition of the funding, the City of Killeen is required to name the Texas Department of Transportation as its agent for the purpose of applying for, receiving and disbursing all funds for the airfield improvements and for the administration of contracts necessary for the implementation of the improvements. City staff recommends city council approve the ordinance amending the FY2021 annual budget.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Menking to approve PH-20-035. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

PH-20-036 **HOLD** a public hearing and consider an ordinance amending the FY 2020 Annual Budget of the City of Killeen to increase revenue and expenditure accounts in the General 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 2020 ANNUAL BUDGET OF THE CITY OF KILLEEN TO INCREASE REVENUE AND EXPENDITURE ACCOUNTS IN THE GENERAL FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Jon Locke, Executive Director of Finance.

Fire employees with specialized training are deployed during major events, such as hurricanes, tornados, and fires. Thirty-five employees have responded to twelve deployments this year. This budget amendment increases revenues and expenditures in the amount of \$271,125. City staff recommends city council approve the ordinance amending the FY2020 annual budget.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-20-036. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

DS-20-082 Receive Advice from City Attorney Regarding a Pending Personnel Matter

DS-20-082 is an Executive Session item and will be discussed in a closed meeting.

At 5:34 p.m., Mayor Segarra called for city council to recess the meeting to Executive Session.

At 6:03 p.m., Mayor Segarra reconvened the City Council meeting

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Harris, and unanimously approved, the meeting was adjourned at 6:04 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary