

City of Killeen
Regular City Council Meeting
Killeen City Hall
October 27, 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 (via video conference) and Steve Harris.

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

Councilmember Menking gave the invocation; and special student guests Benjamin Baxter Rivera, Quinney Nelson, Joshua Evans, Josia Evans, and Robert Heald 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-20-088 to follow agenda item PH-20-040. Motion was seconded by Councilmember Fleming. The motion carried unanimously.

Citizen Comments

No one signed up to speak.

Discussion Items

DS-20-088 Litigation Update - McLean Construction, Inc. v. City of Killeen
AGENDA ITEM MOVED TO FOLLOW LAST AGENDA ITEM (PH-20-040)

Resolutions

RS-20-111 Consider a memorandum/resolution appointing members to the Youth Advisory Commission.

Staff Comments: Joe Brown, Executive Director of Recreation Services.

Mr. Brown gave a brief background of the Youth Advisory Commission and recognized 18 students that were interviewed and are being recommended for appointment to the 2020-2021 Youth Advisory Commission. Staff recommends that council appoint the nominated individuals.

Motion was made by Councilmember Rivera to approve RS-20-111. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

Following approval of the resolution, Mayor Segarra swore in the members of the Youth Advisory Commission.

Consent Agenda

- MN-20-021** Consider Minutes of Regular City Council Meeting of October 13, 2020.
- RS-20-112** Consider a memorandum/resolution authorizing the purchase of library materials from Ingram Library Services through the TXSMARTBUY cooperative purchasing program for FY 2020-2021 in an amount not to exceed \$132,000.
- RS-20-113** Consider a memorandum/resolution authorizing the renewal of the City's fuel services contract with FleetCor Technologies Operating Company, LLC in the amount of \$1,597,684 per year.
- RS-20-114** Consider a memorandum/resolution to support the submittal of 10 transportation projects, including roadway and pedestrian facilities for the Killeen-Temple Metropolitan Planning Organization Mobility 2045 Metropolitan Transportation Plan Call for Projects.

Motion was made by Councilmember Menking to approve consent agenda items. Motion was seconded by Councilmember Rivera. The motion carried unanimously.

Ordinances

- OR-20-029** Consider an ordinance amending Chapter 6 of the Code of Ordinances regarding Animals.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY OF KILLEEN AMENDING CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES, TO AMEND SEVERAL SECTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Joe Brown, Executive Director of Recreation Services.

Following questions from the October 20, 2020 Workshop Meeting, Ms. Traci Briggs City Attorney identified and reviewed the American Disability Act's definitions and differences between service animals and emotional support animals. City staff recommends city council approve the amendments as presented to Chapter 6 of the Code of Ordinances as it pertains to Animals.

Motion was made by Councilmember Rivera to approve OR-20-029. Motion was seconded by Mayor Pro Tem Kilpatrick. The motion carried unanimously.

Public Hearings

PH-20-037 **HOLD** a public hearing and consider an ordinance authorizing acceptance of supplemental CDBG-CV funding in the amount of \$726,841.00 and amending the FY 19-20 Annual Action Plan.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE FY19-20 ANNUAL ACTION PLAN AND THE ACCEPTANCE AND EXPENDITURE OF SUPPLEMENTAL FUNDING ALLOCATION OF \$726,841 IN COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) CARES ACT FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Comments: Leslie Hinkle, Executive Director of Community Development. Funding in the amount of \$726,841 has been allocated by the US Department of Housing & Urban Development (HUD). This funding can only be used for the protection, prevention, preparation and response to the Coronavirus pandemic. HUD recommends quick action in broad categories and discourages duplication of other community efforts that may also be funded by other CARES Act funding. Ms. Hinkle reviewed the broad categories that the funding could be used for. Following direction from city council during the October 20, 2020 City Council Workshop Meeting, staff is recommending that city council approve the supplemental funding from HUD in the amount of \$726,841, in CDBG-CV funding with \$407,032, available for housing assistance; \$174,442, available for a small business grant program; \$145,367, allotted for program administration; and to approve the amendment to the Annual Action Plan to allow for continued use in the preparation, prevention, protection and response to the Coronavirus pandemic in the Killeen community.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Harris to approve PH-20-037. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

PH-20-038 **HOLD** a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City of Killeen to increase revenue and expenditure accounts in 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 EXPENDITURE ACCOUNTS IN 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: Jon Locke, Executive Director of Finance.

As identified in Agenda Item PH-20-037, US Department of Housing & Urban Development (HUD) notified the city of a second allocation authorized by the Coronavirus Aid, Relief, and Economic Security Act. Notification was received after the FY 2021 Budget was adopted. This budget amendment increases revenues and expenses in the amount of \$726,841. 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-20-038. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

PH-20-039 **HOLD** a public hearing and consider an ordinance requested by Ms. Suk Baldwin on behalf of True Fountain, L.L.C. (**Case #Z20-17**) to rezone approximately 19.566 acres, out the J.E. Maddera Survey, Abstract No. 600, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District). The property is addressed as 5603 Bunny Trail, 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 9.66 ACRES OUT OF THE J.E. MADDERA SURVEY, ABSTRACT NO. 600, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL 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.

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 Future Land Use Map. Prior to the Planning and Zoning Commission meeting and after the city’s notification of the surrounding property owners, the applicant amended the zoning request from 19.566 acres to 9.66 acres. This amended request did not allow enough time for staff to re-notify property owners within 400’ of the property. The amended zoning request removes the proposed “R-2” from the existing single-family homes to the west and south. Staff notified seventy-eight (78) surrounding property owners regarding this request. Nine (9) written responses in opposition to the original request have been received. Of those, six (6) are within the 200’ buffer, and three (3) are outside the 200’ buffer.

The Planning and Zoning Commission recommend approval of the applicant's amended request by a vote of 4 to 2. City staff also recommends approval of the applicant's amended zoning request.

Mayor Segarra invited the applicant to speak.

The applicant's representative Sara Vinson and the applicant, Suk Baldwin, appeared before city council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

Mr. Darrell Hall, spoke in opposition of the request.
Ms. Maryann Bell, spoke in opposition of the request.
Mr. Kevin Lawson, spoke in opposition of the request.

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

Motion was made by Councilmember Johnson to disapprove PH-20-039. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-20-040 **HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Reece's Creek Group, L.C. (**Case #Z20-18**) to rezone approximately 1.952 acres out of the W.M. Freer Survey, Abstract No. 307, from "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) for multi-family uses. The property is addressed as 409 Reese Creek 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 1.952 ACRES, OUT THE W.M. FREER SURVEY, ABSTRACT NO. 307, FROM "UD" (UNIVERSITY DISTRICT) TO "UD" (UNIVERSITY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR MULTI-FAMILY USES; 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 Commercial' ('SC') on the Future Land Use Map (FLUM) of the Comprehensive Plan. The applicant's request is consistent with the Future Land Use Map and with the existing University Village development to the north. Staff notified eleven (11) surrounding property owners regarding this request. To date, staff has received one (1) written response in support of the request. The Planning and Zoning Commission recommend approval of the applicant's request by a vote of 6 to 0 with the following conditions:

- Property can contain up to five (5) duplex structures with the number of dwelling units not exceeding ten (10);
- Each dwelling shall be provided with one (1) enclosed parking space and two (2) exterior parking spaces;
- No parking will be allowed within the fire lane (statement to be delineated in all tenant contracts and enforced by property manager);
- All disturbed area that is to remain as green space shall be fully sodded;
- Developer will install eight (8) canopy trees within the community open space (trees shall be no less than 5-feet in height and no less than 1.5-inches in diameter at breast height);
- Property owner shall be responsible for ensuring professional landscape maintenance to all community open space; and
- Developer will provide two (2) community picnic tables within the open space.

City staff finds that the applicant's request for a Conditional Use Permit for multi-family uses is consistent with the surrounding land uses and prevailing community character.

Mayor Segarra invited the applicant to speak.

The applicant's representative, Mr. Ace Reneau of Mitchell and 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 Mayor Pro Tem Kilpatrick to approve PH-20-040. Motion was seconded by Councilmember Nash-King. Motion carried 4 to 3 with Councilmember Johnson, Councilmember Fleming and Councilmember Harris in opposition.

DS-20-088 Litigation Update - McLean Construction, Inc. v. City of Killeen

DS-20-088 is an Executive Session item and will be discussed in a closed meeting.

At 6:22 p.m., Mayor Segarra called for city council to recess the meeting to Executive Session.

At 6:58 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 6:58 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary