



City of Killeen

Legislation Text

File #: MN-23-010, **Version:** 1

Consider Minutes of Regular City Council Meeting of April 25, 2023.

City of Killeen
City Council Meeting
Killeen City Hall
April 25, 2023 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Mayor Protem Ken Wilkerson, Councilmembers Jessica Gonzalez, Riakos Adams, Michael Boyd, Jose Segarra, Nina Cobb (arrived at 5:07 p.m. via Zoom), and Ramon Alvarez

Also attending were City Manager Kent Cagle, City Attorney Holli Clements, Deputy City Secretary Beatrice Canseco, and Sergeant-at-Arms Officer Paholek

Mayor Nash-King gave the invocation. Councilmember Segarra led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Protem Wilkerson to approve the agenda. Motion was seconded by Councilmember Boyd. The motion carried unanimously (6-0).

Citizen Comments

Mellisa Brown spoke regarding RS-23-071, RS-23-072, RS-23-073, and RS-23-074.

Consent Agenda

MN-23-008 Consider Minutes of Regular City Council Meeting of March 28, 2023.

RS-23-067 Consider a memorandum/resolution accepting a Federal Aviation Administration Airport Infrastructure Grant for the design of the Security Improvements Project at Killeen-Fort Hood Regional Airport.

RS-23-068 Consider a memorandum/resolution approving a Professional Services Agreement with Garver, LLC, for design of the Security Improvements Project at Killeen-Fort Hood Regional Airport, in the amount of \$120,900.

RS-23-069 Consider a memorandum/resolution approving a fireworks display application at the Killeen Athletic Complex on July 1, 2023.

- RS-23-070** Consider a memorandum/resolution authorizing change orders with Silsbee Ford for the total amount of \$225,278.
- RS-23-071** Consider a memorandum/resolution authorizing Addendum No. 8 for the Bell County Water Control and Improvement District No. 1 Lake Belton Plant Power Resilience Project, in the amount of \$431,789.
- RS-23-072** Consider a memorandum/resolution securing a Closed Caption System.
- RS-23-073** Consider a memorandum/resolution approving a Tax Increment Reinvestment Zone (TIRZ) reimbursement agreement with CSW Killeen, L.P. for reimbursement of certain infrastructure costs associated with development of Anthem Park in an amount not to exceed \$12,741,099.
- RS-23-074** Consider a memorandum/resolution authorizing proceeding with issuance of certificates of obligation for capital projects and further directing the publication of notice of intention to issue certificates of obligation for capital projects.
- OR-23-009** Consider an ordinance amending Chapter 26 of the Code of Ordinances, providing for certain exemptions to the Parkland Dedication and Development Ordinance.

The City Secretary read the caption of the ordinance:

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR CERTAIN EXEMPTIONS TO THE PARKLAND DEDICATION AND DEVELOPMENT ORDINANCE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Motion was made by Mayor Protem Wilkerson to approve the Consent Agenda. Motion was seconded by Councilmember Boyd. The motion carried 6-1, with Councilmember Adams in opposition.

Public Hearings

- PH-23-023** HOLD a public hearing and consider a request submitted by Franklin Land Associates, LLC, on behalf of Castrong, LLC (Case #Z23-03) to rezone approximately 2.34 acres out of the B.S. Hoover Survey, Abstract No. 463, from "A" (Agricultural District) to "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) to allow for a single-tenant general retail store no greater than 10,641 square feet. The property is located east of State Highway 195 and north of the Lampasas River, 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 THE PROPERTY BEING APPROXIMATELY 2.34 ACRES OUT OF THE B.S. HOOVER SURVEY, ABSTRACT NO. 463, FROM "A" (AGRICULTURAL DISTRICT) TO "NBD" (NEIGHBORHOOD BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A SINGLE-TENANT GENERAL RETAIL STORE NO GREATER THAN 10,641 SQUARE FEET; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their April 18, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

Joe Johnston, Engineer with Gresham Smith assisting the applicant, Castrong, LLC, was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Mellisa Brown spoke in opposition of PH-23-023.

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

Motion was made by Councilmember Segarra to approve PH-23-023. Motion was seconded by Mayor Protem Wilkerson. Motion carried 6-1, with Councilmember Adams in opposition.

PH-23-024 HOLD a public hearing and consider an ordinance submitted by Patrick Purifoy on behalf of P&T Enterprises (Case #Z23-05), to rezone approximately 6.43 acres out of the Passion For Christ Ministries Addition, Block 1, Lot 1, from "B-1" (Professional Business District) to "B-1" (Professional Business District) with a Conditional Use Permit (CUP) to allow for a daycare as a permitted use. The property is locally addressed as 3100 Little Nolan 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 THE PROPERTY BEING APPROXIMATELY 6.43 ACRES OUT OF THE PASSION FOR CHRIST MINISTRIES ADDITION, BLOCK 1, LOT 1, FROM "B-1" (PROFESSIONAL BUSINESS DISTRICT) TO "B-1" (PROFESSIONAL BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A DAYCARE AS A PERMITTED USE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their April 18, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

The applicant, Patrick Purifoy, was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Protem Wilkerson to approve PH-23-024. Motion was seconded by Councilmember Boyd. Motion carried unanimously 6-0, with Councilmember Gonzalez not voting.

PH-23-025 HOLD a public hearing and consider a request submitted by Mitchell & Associates, Inc., on behalf of Sandra and Ronnie Skinner (Case #Z23-07), to the rezone Lot 1, Block 1, Skinner Estate Phase Two, from "A" (Agricultural District) to "R 1" (Single Family Residential District). The property is locally addressed as 3638 Love 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 THE PROPERTY BEING LOT 1, BLOCK 1, SKINNER ESTATE PHASE TWO, FROM "A" (AGRICULTURAL DISTRICT) 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: Edwin Revell, Executive Director of Development Services
This item was presented to City Council during their April 18, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

Bob Mitchell with Mitchell and Associates, representing the applicant, was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Protem Wilkerson to approve PH-23-025. Motion was seconded by Councilmember Boyd. Motion carried unanimously (7-0).

PH-23-026 HOLD a public hearing and consider an ordinance submitted by Franklin Land Associates, LLC, on behalf of Whitis Investments, LTD (FLUM# 23-01), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Public Space' designation to a 'Residential Mix' designation, being approximately 3.727 acres, out of the C T Bourland Survey, Abstract No. 137. The property is located on the east right-of-way of East Trimmier Road and north of Andalucia Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance:
AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 3.727 ACRES OUT OF THE C T BOURLAND SURVEY, ABSTRACT NO. 137, FROM A 'PUBLIC SPACE' (PS) DESIGNATION TO A 'RESIDENTIAL MIX' (RM) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services
This item was presented to City Council during their April 18, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

Engineer, Joe Johnston, with Gresham Smith assisted the applicant, Whitis Investments, LTD, and was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Mellisa Brown spoke in opposition of PH-23-026.

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

Motion was made by Councilmember Boyd to approve PH-23-026. Motion was seconded by Mayor Protem Wilkerson. Motion carried unanimously (7-0).

PH-23-027 HOLD a public hearing and consider an ordinance amending Killeen Code of Ordinances Sec. 31-833. - Demolition by neglect.

The City Secretary read the caption of the ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE DEMOLITION BY NEGLECT REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their April 18, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Mellisa Brown spoke in opposition of PH-23-027.

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

Motion was made by Councilmember Boyd to approve PH-23-027. Motion was seconded by Councilmember Adams. Motion carried unanimously (7-0).

PH-23-028 HOLD a public hearing and consider an ordinance amending Ordinance No. 22-097 to change the Bell County dedicated tax rate for TIRZ #2.

The City Secretary read the caption of the ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 22-097 AMENDING THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO PROJECT AND FINANCING PLAN, TERMINATION DATE, AND BOUNDARY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their April 18, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Protem Wilkerson to approve PH-23-028. Motion was seconded by Councilmember Adams. Motion carried unanimously (7-0).

PH-23-029 HOLD a public hearing and consider an ordinance readopting the youth curfew. (First of Two

Public Hearings)

The City Secretary read the caption of the ordinance:

AN ORDINANCE READOPTING A CURFEW FOR PERSONS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT THEIR BEING IN ANY PUBLIC PLACE FROM 11:00PM ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00AM THE FOLLOWING DAY, AND FROM 12:01 AM UNTIL 6:00AM ON ANY FRIDAY OR SATURDAY OR ON ANY DAY FROM JUNE 1 THROUGH AUGUST 15; PROVIDING DEFINITIONS; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING PENALTIES CONSISTING OF A FINE FOR MINORS NOT TO EXCEED \$500.00, AND FOR PARENTS OF MINORS CONSISTING OF A FINE OF NOT LESS THAN \$50.00, BUT NOT TO EXCEED \$500.00; ADOPTING CERTAIN DEFENSES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Comments: Alex Gearhart, Assistant Chief of Police

This item was presented to City Council during their April 18, 2023 Workshop meeting. Chief Gearhart was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Mellisa Brown spoke in opposition of PH-23-029.

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

PH-23-030 HOLD a public hearing and consider an ordinance amending the FY 2023 Annual Budget of the City of Killeen to adjust revenue and expenditure accounts in multiple funds.

The City Secretary read the caption of the ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2023 ANNUAL BUDGET OF THE CITY OF KILLEEN TO ADJUST REVENUE AND EXPENDITURE ACCOUNTS IN MULTIPLE FUNDS; 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, Assistant Director of Finance

This item was presented to City Council during their April 18, 2023 Workshop meeting. Ms. Drake was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Michael Fornino spoke to gain clarification regarding PH-23-030.

Mellisa Brown spoke in opposition to PH-23-030.

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

Motion was made by Councilmember Alvarez to approve PH-23-030. Motion was seconded by Councilmember Boyd.

Councilmember Adams made an amendment to the motion striking the \$2,000,000 budget allocation towards the homeless shelter project. With no second, the amendment to the motion died. The original motion carried 6-1, with Councilmember Adams in opposition.

Adjournment

With no further business, upon motion being made by Mayor Protem Wilkerson, seconded by Councilmember Alvarez and unanimously approved, the meeting was adjourned at 6:00 p.m.