



# City of Killeen

## Legislation Text

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**File #:** MN-21-020, **Version:** 1

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Consider Minutes of Regular City Council Meeting of August 10, 2021.

**City of Killeen**  
City Council Meeting  
Killeen City Hall  
August 10, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Debbie Nash-King, Councilmembers Jessica Gonzalez, Nina Cobb, Michael Boyd, Ken Wilkerson, Rick Williams, and Mellisa Brown (via video conference).

Also attending were City Manager Kent Cagle, Deputy City Attorney Holli Clements, City Secretary Lucy Aldrich, and Sergeant-at-Arms Ache.

Councilmember Williams gave the invocation. Councilmember Gonzalez led everyone in the Pledge of Allegiance.

### Approval of Agenda

*Motion was made by Mayor Pro Tem Nash-King to approve the agenda as written. Motion was seconded by Councilmember Wilkerson. The motion carried unanimously.*

### Presentations

**PR-21-005** Killeen Star Award Presentation

Mayor Segarra and Councilmember Williams recognized Killeen citizen Janice Taylor for being an outstanding community member.

### Citizen Comments

No one signed up to speak.

### Consent Agenda

**MN-21-018** Consider Minutes of Regular City Council Meeting of July 27, 2021.

**RS-21-094** Consider a memorandum/resolution terminating the Winter Storm Uri state of disaster.

**RS-21-107** Consider a memorandum/resolution authorizing maintenance and repair of HVAC equipment by The Brandt Companies, LLC in an amount not to exceed \$80,500 in Fiscal Year 2021.

- RS-21-108** Consider a memorandum/resolution authorizing the award of Bid No. 21-21 for a thermoplastic applicator to Striping Service and Supply, Inc. in an amount not to exceed \$104,617.44.
- RS-21-109** Consider a memorandum/resolution authorizing the award of Bid No. 21-31, Water Meters to Aqua Metric Sales Company in an amount not to exceed \$500,000 in Fiscal Year 2021.
- RS-21-110** Consider a memorandum/resolution authorizing the award of Bid No. 21-32, Chaparral Elevated Storage Tank Project to Landmark Structures in the amount of \$5,253,000.
- RS-21-111** Consider a memorandum/resolution authorizing the award of a Professional Services Agreement with Kimley Horn and Associates for the Highway 195 Water Line and Tank Project in the amount of \$908,088.
- RS-21-112** Consider a memorandum/resolution authorizing emergency purchase of turf for Stonetree Golf Course in the amount of \$124,265.75.
- RS-21-113** Consider a memorandum/resolution authorizing the procurement of replacement mobile data terminals (MDT) for the Police Department from GTS Technology Solutions in an amount not to exceed \$86,929.
- RS-21-114** Consider a memorandum/resolution rescheduling the City Council meetings for October, November, and December 2021.

*Motion was made by Mayor Pro Tem Debbie Nash-King to approve the consent agenda. Motion was seconded by Councilmember Boyd. Motion carried unanimously.*

### Public Hearings

- PH-21-037 HOLD** a public hearing and consider an ordinance requested by Johnson-Bell Investments, L.L.C., (**Case #FLUM21-04**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 0.53 acre, being Lot 1, Block 1, Lee Residential Addition. The property is locally addressed as 5102 Cinch Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE LOT 1, BLOCK 1, LEE RESIDENTIAL ADDITION, FROM A 'GENERAL RESIDENTIAL' DESIGNATION TO A 'GENERAL COMMERCIAL' DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Tony McIlwain, Executive Director of Development Services.

The subject property is designated as General Residential on the Future Land Use Map of the Comprehensive Plan. Staff mailed courtesy notices to twenty-seven (27) surrounding property owners regarding this request. Staff finds that the request to amend the FLUM from 'General Residential' (GR) to 'General Commercial' (GC) is appropriate at this location. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant, Ms. Stacey Bell, appeared before city council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

Mr. Louie Minor spoke in support of agenda item.

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

*Motion was made by Mayor Pro Tem Nash-King to approve PH-21-037. Motion was seconded by Councilmember Boyd. Motion carried 6 to 1 with Councilmember Brown in opposition.*

**PH-21-038 HOLD** a public hearing and consider an ordinance requested by Johnson-Bell Investments, L.L.C. (**Case #Z21-20**) to rezone approximately 0.53 acre from "R1-A" (Single-Family Garden Home Residential District) to "B-3" (Local Business District), being Lot 1, Block 1, Lee Residential Addition. The property is locally addressed as 5102 Cinch 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 LOT 1, BLOCK 1, LEE RESIDENTIAL ADDITION, FROM "R-1A" (SINGLE-FAMILY GARDEN HOME 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 Development Services.

This property is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This request is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, a concurrent FLUM amendment request has been submitted. The surrounding area is made up of a mix of residential and commercial properties. Staff notified twenty-seven (27) surrounding property owners regarding this request. As of the date of this staff report, staff has received one (1) written response in opposition to the request. Staff recommends approval of the applicant's request to rezone the property. The Planning & Zoning Commission recommended approval by a vote of 4 to 1.

Mayor Segarra invited the applicant to speak.

The applicant, Ms. Stacey Bell, appeared before city council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

Ms. Sandra Blankenship spoke in support of agenda item.

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

*Motion was made by Mayor Pro Tem Nash-King to approve PH-21-038. Motion was seconded by Councilmember Boyd. Motion carried 6 to 1 with Councilmember Brown in opposition.*

**PH-21-039 HOLD** a public hearing and consider an ordinance requested by Dong Kim, on behalf of Willie J & OK Roberts (**Case #Z21-18**) to rezone approximately 0.44 acre from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District), being Lot 2A, Block 1, J. W. Norman Subdivision Amendment. The property is locally addressed as 810 West Rancier Avenue, Suite 600, 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 LOT 2A, BLOCK 1, J. W. NORMAN SUBDIVISION AMENDMENT FROM "B-5" (BUSINESS DISTRICT) TO "B-C-1" (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Comments:** Tony McIlwain, Executive Director of Development Services.

This property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan for the proposed "B-C-1" (General Business and Alcohol Sales District). Staff notified forty-six (46) surrounding property owners within 400' of the property. To date, staff has received no responses. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 4 to 1.

Mayor Segarra invited the applicant to speak.

The applicant was in the audience but did not speak.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Mayor Pro Tem Nash-King to disapprove PH-21-039. Motion was seconded by Councilmember Brown. Motion carried unanimously.*

**PH-21-040 HOLD** a public hearing and consider an ordinance requested by Cactus Jack Development, Inc. on behalf of Charles R. and Ira Boggs (**Case #Z21-21**) to rezone approximately 128.82 acres from "A-R1" (Agricultural Single-Family Residential District), "B-5" (Business District), and "A" (Agricultural District) to a Planned Unit Development (PUD) with "R-1" (Single-Family Residential), "SF-2" (Single-Family Residential), "R-2" (Two-Family Residential), and "B-3" (Local Business District) uses, being out of the WL Harris Survey, Abstract No. 1155 and S.P.R.R. Co. Survey, Abstract No. 794. The property is locally addressed as 5901 South Fort Hood Street, 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 128.82 ACRES OUT OF THE WL HARRIS SURVEY, ABSTRACT NO. 1155 AND S.P.R.R. CO. SURVEY, ABSTRACT NO. 794, FROM "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT), "B-5" (BUSINESS DISTRICT), AND "A" (AGRICULTURAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "R-1" (SINGLE-FAMILY RESIDENTIAL), "SF-2" (SINGLE-FAMILY RESIDENTIAL), "R-2" (TWO-FAMILY RESIDENTIAL),

AND "B-3" (LOCAL BUSINESS DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Comments:** Tony McIlwain, Executive Director of Development Services.

This property is designated as 'General Residential' (GR) and 'Suburban Residential' (SR) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This request is consistent with the Future Land Use Map (FLUM) of the Comprehensive. Staff notified twenty (20) surrounding property owners within 400' of the property. Staff has received two (2) written responses regarding this request - one (1) in support and one (1) in opposition. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

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

Mayor Segarra opened the public hearing.

Mr. Louie Minor spoke in support of agenda item.

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

*During discussions, Councilmember Cobb called for the vote. Mayor Pro Tem seconded the call for the vote. Call for the vote carried unanimously. Motion was made by Councilmember Boyd to approve PH-21-040. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried 6 to 1 with Councilmember Brown in opposition.*

**PH-21-041 HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates on behalf of Twin Creek Joint Venture II (**Case #Z21-22**) to rezone approximately 2.27 acres from "B-5" (Business District) to "R-2" (Two-Family Residential District), being Lot 6, Block 2, Twin Creek Addition Section Two. The property is locally addressed as 4202 Water Street, 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 2.27 ACRES BEING LOT 6, BLOCK 2, TWIN CREEK ADDITION SECTION TWO, FROM "B-5" (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.

**Staff Comments:** Tony McIlwain, Executive Director of Development Services.

This property is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This request is consistent with the Future Land Use Map (FLUM) of the Comprehensive. Staff notified forty-two (42) surrounding property owners within 400' of the property. Staff has not received any responses regarding this request. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant was in the audience but did not speak.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Brown to approve PH-21-041. Motion was seconded by Councilmember Boyd. Motion carried unanimously.*

**PH-21-042 HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates on behalf of Fameco-Texas, L.L.C. (**Case #221-23**) to rezone approximately 0.237 acre from "R-MH" (Residential Mobile Home District) to "R-2" (Two-Family Residential District). The property is locally addressed as 413 E. Dunn Avenue, 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 0.237 ACRES, BEING 413 E. DUNN AVENUE, FROM "R-MH" (RESIDENTIAL MOBILE HOME 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 Development Services.

This property is designated as 'Residential-Commercial Mix' (RC-Mix) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This request is consistent with the Future Land Use Map (FLUM) of the Comprehensive. Staff notified fifty-eight (58) surrounding property owners within 400' of the property. Staff has not received any responses regarding this request. Staff recommends approval of the applicant's zoning request. The Planning & Zoning Commission recommended approval by a vote of 5 to 0.

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 Wilkerson to approve PH-21-042. Motion was seconded by Councilmember Williams. Motion carried unanimously.*

**PH-21-043 HOLD** a public hearing and consider an ordinance granting easements to Atmos Energy for approximately 0.221 acre consisting of a surface site easement, temporary workspace easement and access easement to be located at the terminus of Persimmon Drive, adjacent to 3008 Persimmon Drive, Killeen, TX, 76543. (1st of 3 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING EASEMENTS TO ATMOS ENERGY CORPORATION FOR

APPROXIMATELY .221 ACRE CONSISTING OF A SURFACE SITE EASEMENT, TEMPORARY WORKSPACE EASEMENT, AND ACCESS EASEMENT LOCATED AT THE TERMINUS OF PERSIMMON DRIVE, ADJACENT TO 3008 PERSIMMON DRIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Comments:** Tony McIlwain, Executive Director of Development Services  
Atmos Energy Corporation is requesting a 0.221 acre area in conjunction with a pipeline replacement. The surface site easement and access easement are permanent easements and Atmos Energy has submitted an initial offer of \$2,500 as compensation for the acreage within the site and any applicable damage to the remainder of the property. The temporary workspace easement shall automatically terminate on the date on which initial construction of the easement facilities has been completed and placed into service. City staff recommends that the first of three public hearings be held with the second being scheduled for August 24th and the third and final scheduled for September 28th.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

### **Adjournment**

With no further business, upon motion being made by Councilmember Williams, seconded by Councilmember Gonzalez, and unanimously approved, the meeting was adjourned at 6:31 p.m.