



City of Killeen

Legislation Text

File #: MN-22-011, **Version:** 1

Consider Minutes of Regular City Council Meeting of April 12, 2022.

City of Killeen
City Council Meeting
Killeen City Hall
April 12, 2022 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Councilmembers Jessica Gonzalez, Riakos Adams, Nina Cobb, Michael Boyd, Ken Wilkerson, Rick Williams, and Mellisa Brown

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

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

Approval of Agenda

Motion was made by Councilmember Adams to approve the agenda as written. Motion was seconded by Councilmember Boyd. The motion carried unanimously.

Citizen Petitions

CP-22-005 Jewelliann Jones - Pot Belly Pig Support Animal
Ms. Jones and Ms. Pat Carter spoke to city council about pot belly pig support animals and to consider changing city ordinances to allow for them to be kept in the city.

Motion of direction was made by Councilmember Brown for staff to bring the referenced ordinance before City Council for review and to extend Ms. Jones' grace period to make other arrangements for her pot belly pig support animal until City Council can make a determination on Ms. Jones' request. Motion of direction was seconded by Councilmember Adams. The motion of direction passed 6 to 1 with Councilmember Gonzalez in opposition.

Citizen Comments

Mr. Michael Fornino - spoke on agenda items RQ-22-045 and DS-22-014.
Mr. James Everard - spoke on agenda items RS-22-047, RS-22-048, RS-22-034, RQ-22-015, and DS-22-041.
Mr. Dillon Whitis - spoke on agenda item OR-22-004.
Mr. Leo Gukeisen - spoke on agenda items RS-22-034 and OR-22-004.
Mr. Ronald Stepp - spoke on agenda item RS-22-034.

Mr. Travis Whitis - spoke on agenda item OR-22-004.
Mr. Jose Segarra - spoke on agenda item RS-22-034.
Ms. Anca Neagu - spoke on agenda item OR-22-004.
Mr. Josh Welch - spoke on agenda item OR-22-004.

Consent Agenda

MN-22-008 Consider Minutes of Regular City Council Meeting of March 8, 2022.

MN-22-009 Consider Minutes of Regular City Council Meeting of March 22, 2022.

RS-22-042 Consider a memorandum/resolution authorizing the City Manager to execute an Interlocal Agreement with various entities to develop a Regional Habitat Conservation Plan.

RS-22-047 Consider a memorandum/resolution awarding Bid No. 22-15, Slurry Seal Services, to Viking Construction in an amount not to exceed \$1,000,000 Citywide for FY22.

RS-22-048 Consider a memorandum/resolution authorizing a contract for HA5 high density mineral bond road surface treatments to Andale Construction in an amount not to exceed \$1,000,000 citywide in FY22.

RS-22-050 Consider a memorandum/resolution declaring vacancies on various citizen boards and commissions and appointing members to fill the unexpired terms.

Motion was made by Councilmember Wilkerson to approve the consent agenda. Motion was seconded by Councilmember Boyd. Amended motion was made by Councilmember Brown to pull agenda item RS-22-048 from consent agenda for separate consideration. Without a second, the motion died. The motion carried 6 to 1 with Councilmember Brown in opposition.

Resolutions

RS-22-046 Consider a memorandum/resolution appointing a new Mayor Protem.

Mayor Nash-King recognized City Council's recommendation of appointing Councilmember Rick Williams as Mayor Protem.

Motion was made by Councilmember Adams to approve RS-22-046. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.

Mayor Protem Williams took his new seat at the dais next to Mayor Nash-King.

RS-22-034 Consider a memorandum/resolution authorizing an Interlocal Agreement with Bell County for the relocation of the Bell County Killeen Annex.

Staff Comments: Edwin Revell, Executive Director of Development Services
This item was presented to City Council during its April 5, 2022 City Council Workshop Meeting. Mr. Revell was available to provide additional information and answer questions.

Motion was made by Councilmember Brown to postpone RS-22-034 to the next workshop meeting. Motion

was seconded by Councilmember Boyd. Motion failed 3 to 4 with Councilmember Gonzalez, Councilmember Adams, Councilmember Wilkerson and Mayor Protem Williams in opposition. Motion was made by Mayor Protem Williams to approve RS-22-034. Motion was seconded by Councilmember Cobb. Motion carried 6 to 1 with Councilmember Brown in opposition.

Mayor Nash-King called for a recess at 6:54 p.m.

Mayor Nash-King reconvened the meeting at 7:11 p.m.

RS-22-049 Consider a memorandum/resolution to approve a nonprofit application process for American Rescue Plan Act (ARPA) and Public Facility Corporation funding (PFC).

Staff Comments: Danielle Singh, Assistant City Manager

This item was presented to City Council during its April 5, 2022 City Council Workshop Meeting. Staff updated the draft applications and FAQs pages to reflect the motions of direction approved by City Council during discussions. Ms. Singh was available to provide additional information and answer questions.

Motion was made by Councilmember Brown to approve RS-22-049. Motion was seconded by Councilmember Adams. Motion carried unanimously. Motion of direction was made by Councilmember Brown to schedule a special workshop on Saturday, May 21, 2022 at 9:00 a.m. to review submitted applications. Motion of direction was seconded by Councilmember Wilkerson. During discussions, Councilmember Wilkerson rescinded his second. Without a second, the motion of direction died. Motion of direction was made by Councilmember Brown to schedule a special workshop on Saturday, May 21, 2022 at 9:00 a.m. to begin the application review process. Motion of direction was seconded by Councilmember Wilkerson. Motion of direction carried unanimously.

Ordinances

OR-22-004 Consider an ordinance amending the Code of Ordinances Chapter 26, Subdivisions and Other Property Developments, to establish the requirements for a Traffic Impact Analysis.

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 AMENDMENTS TO THE CITY'S SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS; ADDING STANDARDS FOR TRAFFIC IMPACT ANALYSES; 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: Andrew Zagars, City Engineer

This item was presented to City Council during its April 5, 2022 City Council Workshop Meeting. Staff updated the draft ordinance to reflect the motions of direction approved by City Council during discussions. Mr. Zagars was available to provide additional information and answer questions.

Motion was made by Councilmember Brown to approve OR-22-004. Motion was seconded by Councilmember Wilkerson. Motion carried unanimously.

Public Hearings

PH-22-021 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Texas Land and Living, LLC (Case #FLUM22-10) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 9.147 acres out of the James Cook Survey, Abstract No. 161. The property is generally located east of the intersection of Pinar Trail & Grand Terrace 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 APPROXIMATELY 9.147 ACRES OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM A 'RURAL' (R) TO 'GENERAL RESIDENTIAL' (GR) 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

If approved, the applicant intends to develop single-family homes on the property. The applicant has submitted a concurrent request to rezone the property from agricultural district to single-family residential district. Staff mailed courtesy notices to one-hundred eleven (111) surrounding property owners. To date, staff has received one (1) written response with eighteen (18) property owners' signatures in opposition to the request. City staff finds that the request for general residential is consistent with the adjacent residential land uses and recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Ace Reneau, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

Ms. Charlotte Sublett - spoke in opposition of request.

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

During discussion, Councilmember Cobb called for the vote. Councilmember Wilkerson seconded the call. Call for the vote carried 6 to 1 with Councilmember Brown in opposition.

Motion was made by Councilmember Wilkerson to approve PH-22-021. Motion was seconded by Mayor Protem Williams. Motion carried 6 to 1 with Councilmember Brown in opposition.

PH-22-022 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Texas Land and Living, LLC (Case #Z22-11) to rezone approximately 9.147 acres out of the James Cook Survey, Abstract No. 161 from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is generally located east of the intersection of Pinar Trail and Grand Terrace Drive, Killeen, Texas. (Requires a $\frac{3}{4}$ Majority Vote)

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 9.147 ACRES OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, 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

If approved, the applicant intends to develop single-family homes on the property. This request is inconsistent with the Future Land Use Map (FLUM). However, the applicant has submitted a concurrent FLUM amendment request from rural to general residential. Staff mailed courtesy notices to one-hundred eleven (111) surrounding property owners. To date, staff has received three (3) written responses, including a petition with eighteen (18) signatures in opposition to this request. The property owners in opposition to the request comprise approximately 40.8% of the 200-foot notification boundary. Therefore, approval of this request will require the affirmative vote of three-fourths of the City Council. City staff finds that the request is consistent with the predominantly residential character of the area and recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Ace Reneau, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

Motion was made by Councilmember Adams to approve PH-22-022. Motion was seconded by Councilmember Boyd. Motion carried unanimously.

PH-22-023 HOLD a public hearing and consider an ordinance requested by Franklin Land Associates, LLC. on behalf of D&SC Enterprises, Inc. (Case #Z22-13) to rezone approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is generally located west of Featherline Road and north of Chaparral 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 1.516 ACRES OUT OF THE W H COLE, ABSTRACT NO. 200, 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: Edwin Revell, Executive Director of Development Services

If approved, the owner intends to develop the property as a general retail store. The property is designated as suburban commercial and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified twenty-two (22) surrounding property owners. To date, staff has received one (1) written response in support. Staff finds that a small general retail store would be appropriate in this location, but that B-3 local business district allows several uses that would not be. City staff recommends approval of neighborhood business district with a conditional use permit for a single-tenant general retail store no greater than 10,650 square feet. The Planning and Zoning Commission recommended approval of the applicant's request to rezone the property to B-3 by a vote of 7 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Bob Gage, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

Motion was made by Councilmember Cobb to approve PH-22-023 with staff's recommendation. Motion was seconded by Councilmember Adams. Amended motion was made by Councilmember Brown to approve PH-22-023 neighborhood business district with a conditional use permit for a store no greater than 10,650 square feet. Amended motion was seconded by Councilmember Wilkerson. Upon clarification of the amended motion being the same as staff's recommendation, Councilmember Wilkerson rescinded his second and Councilmember Brown withdrew her motion. Motion carried unanimously.

PH-22-024 HOLD a public hearing and consider an ordinance requested by Edward McIntyre on behalf of Gurunath Vadumudala (Case #Z22-14) to rezone Holder Addition, Block 1, Lot 1, from "B-5" (Business District) to "R-1" (Single-Family Residential District). The property is locally addressed as 1118 18th 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 HOLDER ADDITION, BLOCK 1, LOT 1, FROM "B-5" (BUSINESS 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

If approved, the owner intends to develop a single-family home on the property. The property is designated as general residential and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified fifty-seven (57) surrounding property owners. To date, staff has received no written responses. City staff recommends approval of the applicant's request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Edward McIntyre, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

Motion was made by Councilmember Gonzalez to approve PH-22-024. Motion was seconded by Councilmember Adams. Motion carried unanimously.

PH-22-025 HOLD a public hearing and consider an ordinance requested by Michael Linnemann (Case #Z22-15) to rezone approximately 0.3375 acres out of the Simmons 2nd Subdivision, Block 1, Lot 38, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 3909 Turner 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 0.3375 ACRES OUT OF THE SIMMONS 2ND SUBDIVISION, BLOCK 1, LOT 38, 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: Edwin Revell, Executive Director of Development Services

If approved, the owner intends to develop a duplex on the property. The property is designated as residential mix and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified fifty-five (55) surrounding property owners. To date, staff has received four (4) written responses in support and three (3) written responses in opposition. City staff recommends approval of the applicant's request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Michael Linnemann, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - did not speak for or against. She expressed concerns that the citizens that submitted responses in opposition were not in attendance to speak on the matter.

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

Motion was made by Councilmember Brown to approve PH-22-025. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.

PH-22-026 HOLD a public hearing and consider an ordinance requested by Joe Patterson on behalf of

Michael Patterson (Case #Z22-16) to rezone approximately 3.2562 acres out of the Lakeview Park Phase One, Block 9, Lots 1A, 2A, 3 & 4 and Lakeview Park Subdivision Third Replat, Block 1, Lot 31B, from "B-3" (Local Business District) to "SF-2" (Single-Family Residential District). The properties are locally addressed as 5398, 5400, 5450, 5500, & 5550 Rancier 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 3.2562 ACRES OUT OF THE LAKEVIEW PARK PHASE ONE, BLOCK 9, LOTS 1A, 2A, 3, & 4 AND LAKEVIEW PARK SUBDIVISION THIRD REPLAT, BLOCK 1, LOT 31B, FROM "B-3" (LOCAL BUSINESS DISTRICT) TO "SF-2" (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
If approved, the owner intends to develop single-family residential lots on the property. The property is designated as general residential and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified one-hundred twenty-seven (127) surrounding property owners. To date, staff has received no written responses. City staff recommends approval of the applicant's request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Joe Patterson, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

Motion was made by Councilmember Adams to approve PH-22-026. Motion was seconded by Councilmember Wilkerson. Motion carried 6 to 1 with Councilmember Brown in opposition.

PH-22-027 HOLD a public hearing and consider an ordinance requested by Andrea Metz on behalf of Six Westheimer Retail, LTD (Case #FLUM22-11) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' (GC) designation to a 'Multi-Family Residential' (MFR) designation for a total of approximately 9.62 acres out of the A. Dickson Survey Abstract No. 262, the Killeen Industrial Foundation, Block 1, Lot 18, the Northside Theater Subdivision, Block 1, Lot 10, and the KIXS Addition, Block 1, Lot 1. The property is locally addressed as 3001 Atkinson Avenue, 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 9.62 ACRES OUT OF THE A DICKSON SURVEY ABSTRACT NO. 262, THE KILLEEN INDUSTRIAL FOUNDATION, BLOCK 1, LOT 18, THE NORTHSIDE THEATER SUBDIVISION, BLOCK 1, LOT 10, AND THE KIXS ADDITION, BLOCK 1, LOT 1, FROM A

'GENERAL COMMERCIAL' (GC) TO 'MULTI-FAMILY RESIDENTIAL' (MFR) 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

If approved, the applicant intends to develop multifamily apartments on the property. The applicant has submitted a concurrent request to rezone the property from B-5 business district to planned unit development with R-3A multifamily apartment residential district. Staff mailed courtesy notices to twenty-five (25) surrounding property owners. City staff recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant was not available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Mr. James Everard - spoke in opposition.

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

Motion was made by Councilmember Brown to disapprove PH-22-027. Without a second, the motion died. Motion was made by Councilmember Brown to postpone PH-22-027 until PUD documents are available. Councilmember Brown withdrew the motion. Motion was made by Councilmember Brown to postpone PH-22-027 to the May 17, 2022 workshop meeting. Motion was seconded by Councilmember Adams. Motion carried 6 to 1 with Councilmember Gonzalez in opposition.

Mayor Nash-King called for a recess at 9:28 p.m.

Mayor Nash-King reconvened the meeting at 9:33 p.m.

Councilmember Requests for Future Agenda Items

Motion of direction was made by Councilmember Adams to postpone councilmember requests for future agenda items to the next workshop meeting. Motion of direction was seconded by Councilmember Wilkerson. Motion of direction carried 4 to 3 with Councilmember Gonzalez, Councilmember Boyd and Councilmember Brown in opposition.

CP-22-013 Briefing from TEX-21 (Transportation Excellence for the 21st Century) - *Postponed to April 19, 2022 City Council Workshop Meeting.*

CP-22-014 Discharging Firearms in City Limits - *Postponed to April 19, 2022 City Council Workshop Meeting.*

CP-22-015 KEDC (Killeen Economic Development Corporation) Structure Review - *Postponed to April 19, 2022 City Council Workshop Meeting.*

CP-22-016 Request Quarterly Update from KEDC (Killeen Economic Development Corporation) - *Postponed to April 19, 2022 City Council Workshop Meeting.*

Discussion Items

DS-22-040 Discuss Downtown Property Improvements

Staff Comments: Edwin Revell, Executive Director of Development Services
Mr. Revell presented staff's findings and recommendations on improving downtown properties.

At 10:02 p.m., Mayor Nash-King called for City Council to recess the meeting to Executive Session.

Per V.T.C.A, Government Code Section 551.087 the City Council will:

DS-22-041 Discuss Potential Sale of Cemetery Property for Economic Development Purposes

And, per V.T.C.A., Government Code Section 551.074 the City Council will:

DS-22-042 Discuss Employment of the Chief of Police.

At 11:28 p.m., Mayor Nash-King reconvened the City Council meeting.

Adjournment

With no further business, upon motion being made by Councilmember Brown, seconded by Councilmember Gonzalez, and unanimously approved, the meeting was adjourned at 11:28 p.m.