

City of Killeen
Regular City Council Meeting
Killeen City Hall
February 25, 2014 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark (5:04), Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms M. Mirabel.

Councilmember Harris gave the invocation, and Mayor Pro-Tem Blackstone led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written. Motion seconded by Councilmember Gilmore. The motion carried unanimously.

Consent Agenda

- CA-14-019** Consider minutes of Regular City Council meeting of February 11, 2014.
No changes.
- CA-14-020** Consider a memorandum/resolution for projected expenditure from the state seizure account for the Killeen Police Department.
Staff comments: Police Chief Baldwin
The Police Department's Organized Crime Unit is in need of evidence recovery equipment. The total cost of these items is \$14,727. This is to provide notice to the governing body of the projected expenditure of funds from the police department's State Seizure account in the amount of \$14,727.
Staff recommends that the City Council approve the expenditure of funds from the State Seizure account for the above qualified purchases.
- CA-14-021** Consider a memorandum/resolution authorizing the procurement of replacement computers for various City Departments.
Staff comments: Michael Mendiola
The IT Department is seeking approval to purchase desktop computers (exceeding \$50,000), using a cooperative purchase. This will replace the city staff's 153 oldest computers which are not capable of effectively utilizing required software.
The IT Department staff recommends that the City Council approve the purchase of computers for the completion of the plan for the 2013-2014 fiscal year.

- CA-14-022** Consider a memorandum/resolution to award a service agreement to CenturyLink.
Staff comments: Michael Mendiola
Bandwidth needs to be upgraded at eight locations to allow for the growing increase in network traffic. Bandwidth increases can be accomplished with an increase in cost of \$100 per month (five-year contract at \$8,145 a month). This increase can be funded in the current year's budget.
Staff recommends that the City Council approve the contract upgrade with CenturyLink in the amount of \$8,145 per month for a total of 60 months.
- CA-14-023** Consider a memorandum/resolution authorizing the City Manager to execute a Municipal Maintenance Agreement and Amendment with the Texas Department of Transportation.
Staff comments: Scott Osburn
The Texas Department of Transportation (TxDOT) has requested that the City of Killeen renew its Municipal Maintenance Agreement. The Amendment to the Municipal Maintenance Agreement authorizes the City of Killeen to install, operate and maintain equipment installed for the purpose of monitoring compliance with traffic-control signals (red light cameras).
Staff recommends that the City Council authorize the City Manager to enter into a Municipal Maintenance Agreement and Amendment to the Municipal Maintenance Agreement with TxDOT.
(Councilmember Clark arrived at 5:04)
- CA-14-024** Consider a memorandum/resolution authorizing a lease agreement amendment with Bring Everyone in the Zone at the Killeen Arts & Activities Center.
Staff comments: Leslie Hinkle
Lessee would like to lease one additional office space adjacent to their current space at the KAAC. The additional proposed monthly rent for the two-hundred fifteen (215) square feet of office space is \$133.33 as base rent. Utility charges will be billed each month to the Lessee.
Staff recommends that City Council approve the lease agreement amendment for Bring Everyone in the Zone.
- CA-14-025** Consider a memorandum/resolution to authorize a collection fee as provided by the Code of Criminal Procedure for Municipal Court.
Staff comments: Luevada Posey
The Municipal Court recommends that the Council approve the attached resolution authorizing a collection fee in the amount of 30 percent be assessed on all municipal court cases 60 days past due that are referred to a private vendor for collection.

- CA-14-026** Consider a memorandum/resolution revising the conditions of a Development Agreement to allow for the construction of a monopole cell tower on property currently located in Killeen’s extra-territorial jurisdiction (ETJ).
Staff comments: Tony McIlwain
The optimal location for a cell tower would be one which is beneficial to Ms. Reavis' and the City's future planning efforts as it relates to the extension of Mohawk Drive, complies with FAA height restrictions near the Killeen/Fort Hood Regional Airport and rectifies floodplain concerns. Staff is supportive of the proposed changes to the existing Development Agreement to allow Ms. Reavis to construct one monopole cell tower, but has concerns regarding the desired height of the monopole structure. Staff would like to change wording in Section 2, paragraph 3, sentence 1 to read “The Owner covenants and agrees not to construct, or allow to be constructed, any structures on the Property that would require a building permit if the Property were in the City limits, with the exception of a monopole cell tower (as detailed in the attached site plan, denoted as Exhibit ‘B’), which will meet a 1:1 fall radius, and not encroach onto adjacent properties, without the prior express written consent of the City, until the Property has been annexed into, and zoned by, the City.
The current Development Agreement will expire in 2023.
- CA-14-027** Consider a memorandum/resolution authorizing a professional services contract with Vanir Construction Management, Inc. for oversight of the design, bid, and remodel of the Killeen Community Center.
Staff comments: Brett Williams
Staff has identified Vanir Construction Management, Inc. as a firm to oversee the renovation/remodel of the Killeen Community Center.
Staff recommends the City Council authorize the City Manager to execute a professional services contract with Vanir Construction Management, Inc. in the amount of \$138,362.00 for construction management services related to the design, bid, and construction of the Killeen Community Center.
- CA-14-028** Consider a memorandum/resolution granting approval of rental of election equipment.
Staff comments: Kathy Davis
Only one source, ES&S, can provide the city with adequate number of voting machines. ES&S will provide the city election machines and supplies for \$52,308.15. This amount may be cut in half if KISD has an election.
Staff recommends that city council accept the proposal from ES&S in the amount of \$52,308.15.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 19 through 28, as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Public Hearings / Ordinances

PH-14-011 HOLD a public hearing and consider an ordinance requested by W.B.W. Land Investments, L.P. (Case #Z13-05) to rezone approximately 62.31 acres, being part of the Azra Webb Survey, Abstract No. 857, from A-R1 (Agricultural Single-Family Residential District) to R-1 (Single-Family Residential District). The property is located on the north right-of-way of Stagecoach Road, west of Rein Drive, Killeen, Texas. (This request was tabled at the March 26, 2013, City Council Meeting.)

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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A-R1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL 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: Tony McIlwain

W.B.W. Land Investments, L.P. has submitted this request to rezone approximately 62.31 acres from A-R1 to R-1. Request was originally presented at the March 26, 2013 council meeting, and tabled at the request of the property owner. The property is located approximately 270 feet west of Rein Drive, Killeen, Texas. The staff notified sixty-eight (68) surrounding property owners within a 200 foot notification boundary regarding this request. Staff has received one protest from the owner of 6607 Rein Drive, Killeen, Texas.

The Planning and Zoning Commission recommended approval of the R-1 zoning request 7 to 1. Staff does not recommend approval of R-1 zoning as it is not the most appropriate district with regard to the Comprehensive Plan's Future Land Use Map's (FLUM) 'Suburban Residential' designation.

Mayor Corbin opened the public hearing.

Garrett Nordick, W.B.W - Spoke in favor of request. Surrounding houses zoned R-1A.

Kathy Harkin, 6607 Rein Dr. - spoke in opposition of request. Feels the area will become too congested. Believes zoning is important to preserve property values and that homeowners and developer can come up with a compromise.

Linda Knotts, 3212 Carpet Lane - Spoke in opposition of request; would like to have all developments in area match, i.e. size and distance.

Lynn Dowling, 601 Rein Drive - Spoke in opposition of request; is for progress but concern is continuity from one property to the next.

Glen Bauer, 6605 Rein Drive - Spoke in opposition of request; gave statistics from 1980 from court decision and gave statistics of resale of homes in Killeen and rentals and foreclosures.

Mr. Gauer questioned the need for more homes built in Killeen and requested the Council reject the request or postpone development.

Greg Garrett, 6607 Rein Drive - Spoke in opposition of request; feels housing is congested.

Motion was made by Councilmember Segarra to remove this request from the table pending from last year. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried 5 to 2 with Councilmember Harris and Councilmember Okray opposing.

Motion was made by Councilmember Clark to disapprove PH-011 stating because the requested zoning is not consistent with the City's Comprehensive Plan, as well as the Farr vs Tipit factors referenced by testimony by Mr. Bauer. Motion was seconded by Councilmember Okray. Motion carried 5 to 2 with Councilmember Segarra and Councilmember Gilmore in opposition.

PH-14-012 HOLD a public hearing and consider a request for a plat by W&B Development II, L.L.C. (Case #13-058RS: Fox Creek Phase Ten) being a replat of Lot 1B, Block 3, Fox Creek Commercial Phase Two Replat, Killeen, Texas. The property is located north of Illinois Avenue, west of the intersection of Grey Fox Trail.

Staff comments: Tony McIlwain

Applicant has withdrawn the request at this time.

PH-14-013 HOLD a public hearing and consider a request for a plat by Andrew and Mary Cardenas (Case #13-054RRS: Culp Addition 2nd Replat) being a residential replat of Lot 12 and part of Lot 2, Block 3, Culp Addition, Killeen, Texas. The property is located at 1311 Franz Drive, Killeen, Texas.

Staff comments: Tony McIlwain

Killeen Engineering & Surveying, Ltd. submits this request on behalf of Andrew and Mary Cardenas for Culp Addition 2nd Replat, The property is zoned R-1 (Single-Family Residential District). The applicant is replatting the property to add additional land area to the site. The Staff Review Committee met and concurred that the plat had met all provisions of Chapter 26 of the Killeen Code of Ordinances.

The Planning and Zoning Commission recommend approval by a vote of 6 to 0.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-013. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried unanimously.

PH-14-014 HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the General Fund by \$250,000 to assist in opening a homeless shelter.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE SUPPORT SERVICES HOMELESS SHELTER EXPENDITURE ACCOUNT (010-9503-491.44-84) IN THE GENERAL FUND IN THE AMOUNT OF \$250,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Martie Simpson

On February 11, 2014, Families in Crisis, Inc. presented the City Council with the need for \$250,000 to complete the renovations needed to open the shelter.

Approval of this budget amendment will increase the General Fund expenditures by \$250,000.

Staff recommends that the City Council approve this ordinance amending the FY 2013-2014 General Fund budget by \$250,000.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Foster to approve PH-014. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

Ordinances / Resolutions

OR-14-005 Consider a memorandum/resolution appointing members to various boards, commissions, committees, and commissions sub-committees.

Staff comments: Ann Farris

The memorandum/resolution is necessary to confirm and/or establish the membership of the below-discussed committees. The appointments to consider are as follows:

Board of Adjustments and Appeals: Steve Reinhart

Heritage preservation Board: James Butler

Killeen Volunteers, Inc. - Board of Directors: Rachel Watkins

Mr. Christopher Kuklock, Killeen's representative to the Bell County Health District Board resigned today. Kathy Clark Jones has agreed to be the alternate representative on that Board.

Motion was made by Mayor Pro-Tem Blackstone to approve the above mentioned names to the respective committees. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

OR-14-006 Consider an ordinance amending Chapters 8 and 31 of the Code of Ordinances of the City of Killeen amending Chapter 31, Article IV, Division 6, District "RT-1" Residential Townhouse Single-Family District and amending Chapter 8, Article VI, Landscaping Regulations.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTERS 8 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 31, ARTICLE IV, DIVISION 6, DISTRICT "RT-1" RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT, BY REVISING THE ZONING REGULATIONS AND REQUIREMENTS THEREIN; AMENDING CHAPTER 8, ARTICLE VI, LANDSCAPING REGULATIONS, BY MAKING A NON-SUBSTANTIVE AMENDMENT TO AN ESTABLISHED CODE OF ORDINANCE PROVISION NECESSARY TO ELIMINATE A CONFLICT ASSOCIATED WITH AMENDING ZONING DISTRICT "RT-1"; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Shelly Shelton - presented a handout of the changes and briefly went over the changes.

The Planning and Zoning Commission recommends that the City Council approve the proposed amendments to the "RT-1" Residential Townhouse Single-Family District.

Motion was made by Councilmember Okray to approve OR-006 as presented. Motion was seconded by Councilmember Foster.

Motion was made by Councilmember Segarra to amend the motion and take the 2-story requirement out. Motion was seconded by Mayor Pro-Tem Blackstone. Motion failed 5 to 2 with Councilmember Okray, Councilmember Gilmore, Councilmember Clark, Councilmember Harris, and Councilmember Foster in opposition.

Vote on main motion: Motion carried unanimously.

OR-14-007 Consider an ordinance authorizing issuance and sale of General Obligation Refunding Bonds, Series 2014.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF KILLEEN, TEXAS, GENERAL OBLIGATION REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

Staff comments: Martie Simpson

It is recommended that the City consider issuing approximately \$35,000,000 in refunding bonds. The City Manager will move forward with refunding if present value savings are estimated to be achieved at a minimum of 3% of the refunded principal.

Staff recommends that the City Council approve the ordinance authorizing the City Manager to move forward with the issuance and sale of City of Killeen, Texas, General Obligation Refunding Bonds, Series 2014, if market conditions are favorable.

Motion was made by Councilmember Gilmore to approve OR-007. Motion was seconded by Councilmember Okray. Motion carried unanimously.

OR-14-008 Consider a memorandum/resolution expressing official intent by the City to reimburse certain costs related to street improvements, parks and trails, Fire Station No. 9, and the existing Community Center.

Staff comments: Martie Simpson

A reimbursement resolution needs to be approved by the City Council which will allow the City to expend funds for the procurements and projects identified and

then be reimbursed for those expenditures as the proceeds from the General Obligation Bonds and Certificates of Obligation Bonds are received.

When proceeds from the sale of the General Obligation Bonds and Certificates of Obligation Bonds are received, amounts that have been advanced from the General Fund will be repaid to the General Fund.

Staff recommends that the City Council adopt the attached resolution.

Motion was made by Councilmember Segarra to approve OR-008. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

OR-14-009 Consider an ordinance amending the comprehensive sewage disposal and protection ordinance, Chapter 30, Killeen Code of Ordinances.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 30, TITLED SEWERS AND SEWAGE DISPOSAL BY AMENDING ARTICLE III, DIVISION 2, PURPOSES, POLICY AND PROHIBITED DISCHARGES; AMENDING ARTICLE III, DIVISION 3, FAT, OIL AND GREASE CONTROL AND PREVENTION; AMENDING ARTICLE III, DIVISION 4, PRETREATMENT PROGRAM; AMENDING ARTICLE III, DIVISION 5 COMPLIANCE AND ENFORCEMENT; AND AMENDING ARTICLE IV, DIVISION 1, MISCELLANEOUS CHARGES TO MODIFY THE CITY OF KILLEEN'S ADOPTED WASTEWATER SYSTEM PROTECTION ORDINANCE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Scott Osburn

Staff summarized the critical revisions of the ordinance.

City staff believes that the proposed revisions will adequately address the Food Service Industry's stated objections by adding additional options relating to testing for high-strength wastewater and applying surcharges for the same. City staff also believes that the additional revisions are necessary to better allow the FOG program to continue to strive to reach the FOG program's ultimate goal of preventing the introduction of FOG into the City's System in an effort to minimize damage and the treatment costs associated with the same.

City staff recommends that City Council adopt the proposed amendments to the City's comprehensive sewage disposal and protection ordinance.

Motion was made by Councilmember Gilmore to approve OR-009. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone, and unanimously approved, the meeting was adjourned at 6:14 p.m.