

City of Killeen
Regular City Council Meeting
Killeen City Hall
September 8, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Jose Segarra, Council members Jim Kilpatrick, Juan Rivera, Shirley Fleming, Brockley Moore, Jonathan Okray, and Elizabeth Blackstone

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

Dr. Motten gave the invocation, and Councilmember Moore led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Segarra to approve the agenda pulling PH-15-041 from consideration. Motion seconded by Councilmember Kilpatrick. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the August 25th Regular City Council meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Motion was made by Councilmember Okray to approve the minutes of the September 1st Special Called City Council meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Resolutions

RS-15-056 Consider a memorandum/resolution authorizing Contract Amendment No. 1 with Kasberg, Patrick & Associates to the Transportation and Drainage Design Standards contract.

Staff comments: John Nett

The original amount of the contract with Kasberg, Patrick and Associates is \$48,740.00; Contract Amendment No. 1 will increase the contract price by \$16,702 for an updated total contract price of \$65,442. City staff recommends that the City Council authorize Contract Amendment No. 1 with Kasberg, Patrick & Associates, increasing the cost of the contract by \$16,702.

Motion was made by Councilmember Rivera to approve RS-056. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.

RS-15-057 Consider a memorandum/resolution authorizing the procurement of four (4) ambulances and associated equipment for the Fire Department.

Staff comments: Frank Tydlacka

The Frazer ambulances would be purchased through Mack Haik Dodge utilizing HGAC Cooperative pricing. The powered stretchers would be purchased from Ferno Co. and the monitor/defibrillators would be purchased from Physio-Control, Inc., utilizing sole-source purchases in compliance with the Texas Local Government Code section 252.022.

Staff recommends the purchase of the four (4) ambulances and necessary equipment as stated above and that the City Manager or the designated representative be expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Moore to approve RS-057. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-15-058 Consider a memorandum/resolution authorizing a lease/maintenance agreement with Xerox Corporation for Print Services.

Staff comments: Stu McLennan

Staff requests authorization to enter into a new lease/maintenance agreement with Xerox Corporation for a five (5) year period. This agreement allows Printing Services to secure replacement machines that are more capable at a reduced cost.

Staff recommends that council approve the lease agreement with Xerox Corporation for the five (5) year contract and authorize the city manager to execute required change orders.

Motion was made by Councilmember Fleming to approve RS-058. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.

RS-15-059 Consider a memorandum/resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for reimbursable STEP grant funds.

Staff comments: Assistant Chief Young

The overall objective of this program is to increase awareness in each identified areas and reduce violations. The staff recommends that the Council approves this resolution and authorizes the City Manager to sign an agreement with TXDOT on behalf of the City of Killeen for receipt of up to \$114,656 in reimbursable STEP grant funding.

Motion was made by Councilmember Blackstone to approve RS-059. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Ordinances

OR-15-014 Consider an ordinance amending and codifying certain rates and fees in Chapter 2 (Administration Fees - Cemetery, Golf Course, Library, Planning, and Public Works), Chapter 4 (Ambulance Fees), Chapter 8 (Permit Fees), and Chapter 30 (Water, Sewers and Sewage Disposal).

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY AMENDING SECTION 2-150 (c) CEMETERY, (g) GOLF COURSE, (h) LIBRARY, (k) PLANNING, AND (p) PUBLIC WORKS; CHAPTER 4, ARTICLE I, DIVISION 3, SECTION 4-46; CHAPTER 8, ARTICLE II, DIVISION 1, SECTION 8-11 AND ARTICLE III, SECTION 8-62; CHAPTER 30, ARTICLE IV, DIVISION 1, SECTION 30-106; AND DIVISION 2, SUBDIVISION B, SECTION 30-136 PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff comments: Glenn Morrison

Recommend adoption of the proposed ordinance approving water rates and codifying fees or rates charged for certain services provided by Community Services, Community Development, Emergency Medical Services, Planning, and Public Works departments.

Motion was made by Councilmember Kilpatrick to approve OR-014. Motion was seconded by Councilmember Moore.

Councilmember Fleming made a secondary motion to vote separately on each of the increased fees. Motion was seconded by Councilmember Okray. Motion failed 3 to 4 with Councilmember Kilpatrick, Councilmember Rivera, Councilmember Blackstone and Mayor Pro-Tem Segarra in opposition.

Vote on the first motion carried 5 to 2 with Councilmember Okray and Councilmember Fleming in opposition.

OR-15-015A Consider an ordinance adopting a budget for operating the municipal government of Killeen for the fiscal year October 1, 2015 through September 30, 2016.

The City Secretary read the caption of the ordinance.

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Glenn Morrison

One Town Hall meeting, several budget workshops and three public hearings were held so that the City Council, citizen and staff could discuss the proposed budget. It is recommended that the attached ordinance be approved and a budget for Fiscal Year 2016 be adopted.

*Motion was made by Councilmember Kilpatrick to approve OR-015A. Motion was seconded by Councilmember Blackstone. Mayor Cosper called for a record vote which resulted as follows: Councilmember Okray – No, Councilmember Fleming – No, Mayor Pro-Tem Segarra – Yes, Councilmember Blackstone – Yes, Councilmember Rivera – Yes, Councilmember Moore – No, Councilmember Kilpatrick – Yes
Motion carried 4 to 3.*

OR-15-015B Consider a memorandum/resolution ratifying the property tax increase reflected in the Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2015, through September 30, 2016.

Staff comments: Jonathan Locke

The FY 2016 Annual Budget and Plan of Municipal Services will raise more revenues from property taxes than last year's budget by an amount of \$969,345, which is a 2.7% increase from last year's budget.

It is recommended that the property tax increase reflected within the budget for Fiscal Year 2016 be ratified.

Motion was made by Councilmember Blackstone to approve OR-015B. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 2 with Councilmember Okray and Councilmember Fleming in opposition.

OR-15-016 Consider an ordinance setting the Tax Rate for Fiscal Year 2016.

The City Secretary read the caption of the ordinance.

AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY LIMITS OF THE CITY OF KILLEEN, TEXAS, FOR THE 2015 TAX YEAR AND FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

Adopting the current tax rate of 74.98¢ per \$100 valuation will generate ad valorem tax revenues in the amount of \$36,987,879, net of discounts and the City's expected collection ratio. It is recommended that the attached ordinance be approved and that the tax rate for the City of Killeen for FY 2016 be set at 74.98¢ per \$100 of taxable valuation on non-exempt real and personal property.

Mayor Pro-Tem Segarra made the motion stating "I move that the property tax rate be increased by the adoption of a tax rate of 0.7498, which is effectively a 1.324324 percent increase in the tax rate." Motion was seconded by Councilmember Kilpatrick. Mayor Cosper called for a record vote which resulted as follows:

*Councilmember Okray – Yes, Councilmember Fleming – Yes, Mayor Pro-Tem Segarra – Yes, Councilmember Blackstone – Yes, Councilmember Rivera – Yes, Councilmember Moore – Yes, Councilmember Kilpatrick – Yes
Motion carried unanimously.*

Public Hearings

PH-15-039 HOLD a public hearing and consider an ordinance amending the FY2015 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Aviation Fund by \$33,954 to fund the repair of the Killeen-Fort Hood Regional Airport glycol capture and emergency containment facility.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2014/2015 ANNUAL BUDGET OF THE CITY OF KILLEEN BY PROVIDING FUNDING FOR AN INCREASE IN DEPARTMENT OF AVIATION EXPENDITURE ACCOUNTS TOTALING \$33,954; PROVIDING FOR ADDITIONAL AVIATION FUND REVENUES IN THE AMOUNT OF \$33,954; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Matt Van Valkenburgh

Staff recommends that the City Council approve the attached ordinance amending the FY 2014-2015 Annual Budget and Plan of Municipal Services by \$33,954.

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

Motion was made by Councilmember Rivera to approve PH-039. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-15-040 HOLD a public hearing and consider an ordinance requested by Vernon J. MacHardy (Case #Z15-18) to rezone approximately two acres, being part of the G.W. Farris Survey, Abstract No. 306, from “B-DC” Business Daycare District to “B-3” Local Business District.

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 B-DC (BUSINESS DAYCARE 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

The staff notified fifteen (15) surrounding property owners within a 200’ notification boundary regarding this request. Staff has received no protests.

The Planning and Zoning Commission recommended approval of the requested “B-3” (Local Business District) zoning district by a vote of 6 to 0.

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

Motion was made by Councilmember Fleming to approve PH-040. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.

Item PH-15-041 was pulled from consideration

PH-15-041 HOLD a public hearing and consider an ordinance requested by Michael and Jeffrey Lackmeyer (Case #Z15-19) to rezone approximately thirteen acres, being part of the Moses T. Martin Survey, Abstract No. 963, from “A” (Agricultural District) to “PUD” (Planned Unit Development) with “SR-1” (Suburban Residential Single-Family District) zoning.

PH-15-042 HOLD a public hearing and consider an ordinance requested by Danny Passarelli, executor of the estate of Betty Passarelli (Case #Z15-20), to rezone 2007 Trimmer Road, Killeen, Texas, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District).

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 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: Tony McIlwain

The staff notified sixteen (16) surrounding property owners within a 200' notification boundary regarding this request. Staff has received one protest from Billy and Tracie Young (908 Illinois Avenue). The Planning and Zoning Commission recommended approval of "B-2" (Local Retail District) zoning district by a vote of 5 to 0 with Commissioner Dorroh in abstention.

Mayor Cospo opened the public hearing.

Tad Dorroh, 1503 E. Vardeman – explained his plans for the property.

Dyanna Skrhak, 2007 Trimmier Rd – spoke in favor of the request.

Lisa Truitt, 1907 Sutton Place Trail – ERA Colonial, acting realtor on the project. Spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-042 changing the zoning from R-1 to B-2.

Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Fleming, and unanimously approved, the meeting was adjourned at 5:37 p.m.

Scott Cospo, Mayor

Dianna Barker, City Secretary