

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
February 9, 2016 at 5:00 p.m.

Presiding: Mayor Scott Cospier

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 Gillman.

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

### **Approval of Agenda**

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

### **Minutes**

*Motion was made by Councilmember Kilpatrick to approve the minutes of the January 26th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

### **Resolutions**

**RS-16-009** Consider a memorandum/resolution for a mutual aid agreement with the Department of the Army for Fort Hood, Texas.

**Staff comments:** Fire Chief Gardner

Staff recommends that the City Council approve the Fire Mutual Aid Agreement with the Department of the Army for Ft. Hood, Texas, and authorize the City Manager or his designee to execute the Agreement.

*Motion was made by Councilmember Blackstone to approve RS-16-009. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-16-010** Consider a memorandum/resolution authorizing the submission of a Passenger Facility Charge (PFC) application to the Federal Aviation Administration.

**Staff comments:** Matthew Van Valkenburgh

The proposed new charge effective date is December 1, 2016, with an estimated expiration date of April 01, 2018. Staff recommends City Council authorize the City Manager to approve the collection of up to \$905,000 in passenger facility charges at the rate of \$4.50 per enplaned passenger and authorize the Executive Director of Aviation to submit the necessary application documents to the FAA to obtain FAA approval for said collection and use.

*Motion was made by Councilmember Moore to approve RS-16-010. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**RS-16-011** Consider a memorandum/resolution authorizing the award of a construction contract to Insituform Technologies, LLC, to rehabilitate 13,596 feet of wastewater main.

**Staff comments:** Steve Kana

Insituform Technologies' BuyBoard proposal for a total cost of \$1,068,234.85 includes the CIPP rehabilitation of wastewater mains. After evaluating the proposal, City staff has concluded that Insituform Technologies submitted a fair and reasonable proposal. Staff recommends that the City Council authorize the City Manager to enter into an agreement with Insituform Technologies, LLC, for a construction contract to rehabilitate 13,596 feet of wastewater main for the amount of \$1,068,234.85, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

*Motion was made by Councilmember Blackstone to approve RS-16-011. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-16-012** Consider a memorandum/resolution authorizing the City Manager to enter into a professional services agreement with Mitchell and Associates, Inc. for the design of Segment 4 of the Heritage Oaks Hike and Bike Trail.

**Staff comments:** Scott Osburn

Heritage Oaks Hike and Bike Trail, Segment 4, consists of a 1.5 mile segment of the ultimate multi-use trail and will connect the future residential KISD Elementary School location south to U.S. Government property in Bell County. The trail project contemplates constructing a 12 foot wide shared use hike and bike trail. City staff recommends that the City Council authorize the City Manager to enter into an agreement with Mitchell and Associates, Inc., for a professional engineering services agreement for the design of Segment 4 of the Heritage Oaks Hike and Bike Trail, in the amount of \$320,000, and that the City Manager be authorized to execute any and all change orders within the amount established by state and local law.

*Motion was made by Mayor Pro-Tem Segarra to approve RS-16-012. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1 with Councilmember Okray opposing. Councilmember Okray submitted his comments on this issue for the record. See attached.*

**RS-16-013** Consider a memorandum/resolution authorizing the City Manager to submit a Transportation Alternatives Program (TAP) application to the Killeen - Temple Metropolitan Planning Organization (KTMPO) to compete for Category 9 funding to construct a portion of Heritage Oaks Hike and Bike Trail, Segment 3.

**Staff comments:** Scott Osburn

With the submission of this grant application, the City of Killeen would be proposing to extend a portion of Heritage Oaks Hike and Bike Trail, Segment 3 from Trimmier Creek approximately 3,750 feet to the north along the future extension of Rosewood Drive to approximately Flat Slate Drive. Staff recommends that the City Council authorize the City Manager to submit a Transportation Alternatives Program - Category 9 application to the Killeen - Temple Metropolitan Planning Organization for the construction of a portion of Heritage Oaks Hike and Bike Trail, Segment 3 and further that:

“The City of Killeen supports funding this project as shown in the nomination budget (including the 20% local match for construction costs) and commits to the project’s

development, implementation, construction, maintenance, management, and financing. The City of Killeen is willing and able to enter into an agreement with KTMPO by resolution or ordinance should the project receive funding.”

*Motion was made by Councilmember Kilpatrick to approve RS-16-013. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Okray opposing.*

### Ordinances

**OR-16-003** Consider an ordinance granting an application for renewal of taxicab franchise to Cove Taxi. (2nd of 3 readings)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE GRANTING A FRANCHISE TO COVE TAXI TO OPERATE A TAXICAB SERVICE IN THE CITY OF KILLEEN, TEXAS, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE REGULATION OF THE TAXICAB SERVICE; PROVIDING AN INDEMNITY CLAUSE; ESTABLISHING THE FRANCHISE TERM AND EFFECTIVE DATE; PROVIDING A TERMINATION PROVISION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ADOPTION CLAUSE; PROVIDING A REPEALER CLAUSE AND PROVIDING A CODE AMENDMENT CLAUSE.**

**Staff comments:** Kathy Davis

This is the second of three readings to renew the taxi franchise for Cove Taxi for a five year term.

*Motion was made by Councilmember Blackstone to approve OR-16-003, the second reading of Cove Taxi franchise renewal ordinance. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.*

**OR-16-004** Consider an ordinance for registration requirements and credit extension guidelines for credit access businesses.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTER 15 ADDING ARTICLE VII, CREDIT ACCESS BUSINESSES, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, SETTING FORTH REGISTRATION REQUIREMENTS AND CREDIT EXTENSION GUIDELINES FOR CREDIT ACCESS BUSINESSES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Holli Clements

The proposed ordinance establishes a registration program, imposes restrictions on extensions of consumer credit and imposes recordkeeping requirements on credit access businesses. The proposed ordinance also requires that a credit access business post a written notice of the Military Lending Act where it is visible to potential creditors. City staff recommends that the City Council approve the attached ordinance, which would become effective 90 days after passage.

*Motion was made by Councilmember Fleming to approve OR-16-004. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried 6 to 1 with Councilmember Okray opposing.*

**Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Segarra, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 5:22 p.m.

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Scott Cospers, Mayor

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Dianna Barker, City Secretary