

City of Killeen
Regular City Council Meeting
Killeen Utilities Collections Conference Room
December 18, 2018 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera, Gregory Johnson (arrived at 5:06 p.m.), Shirley Fleming, Debbie Nash-King and Steve Harris

Also attending were City Manager Ron Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Gilman.

Father Chris with St. Joseph's gave the invocation, and Mayor Segarra led everyone in the Pledge of Allegiance.

Approval of Agenda

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

Presentations

PR-18-006 Presentation – Bell County Child Safety Check
Bell County Tax Assessor-Collector Shay Luedeke, and out-going County Commissioner John Fisher presented a check to the City of Killeen in the amount of \$158,778.80, collected by the county on vehicle registrations to be used for school crossings or health services.

Minutes

Motion was made by Councilmember Menking to approve the minutes of the December 11, 2018 Regular City Council Meeting. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Resolutions

RS-18-110 Consider a memorandum/resolution approving the investment report for the quarter ended September 30, 2018.
Staff Comments: Jon Locke, Executive Director of Finance.
Mr. Locke introduced Susan Anderson with Valley View Consulting who presented the investment report for the quarter ending September 30, 2018.

Motion was made by Councilmember Johnson to approve RS-18-110. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-18-111 Consider a memorandum/resolution granting an Operating Authority to Ambiance Limousine and Transportation.
Staff Comments: Kathy Davis, City Attorney.
On November 16, 2018, Ambiance Limousine & Transportation submitted an application, paid the required fee and supplied the proper supporting documents to be in compliance with Chapter 29 of the Code of Ordinances. The application is complete and provides for a limousine service and airport shuttle from any established pick-up point in Killeen. As indicated on the application, the company will operate three vehicles: a 2014 Chrysler

Stretch Limousine with a seating capacity of 10, and two 2011 Ford E350 Vans with a seating capacity of 15 each. Operating authority permits are valid for five years with the window sticker permits expiring annually on December 31. City staff recommends the City Council approve an Operating Authority to Ambiance Limousine & Transportation effective January 1, 2019.

Motion was made by Councilmember Nash-King to approve RS-18-111. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-18-112 Consider a memorandum/resolution appointing citizens to Heritage Preservation Board and Killeen Volunteers, Incorporated.

Staff Comments: Kathy Davis, City Attorney.
Ms. Davis gave a brief overview of the need to appoint citizens to several boards and commissions. City Council made the following appointments:

Heritage Preservation Board (All Council)

Current Member	Status	New Member	Comments
Holly Teel (unexpired 2016-19)	Resigned	Jordan Smith	Citizen Rep

Killeen Volunteers, Inc. (Sub-Comm: J. Kilpatrick, D. Nash-King)

Current Member	Status	New Member	Comments
Olivia Winder	YAC Rep	Madelyn Spear	YAC Rep
Terry Mustapher	Resigned	Angenet Wilkerson	Celebrate Killeen Rep

Motion was made by Councilmember Nash-King to approve RS-18-112 with the exception of appointing Angenet Wilkerson as Celebrate Killeen Representative on Killeen Volunteers, Inc. until Celebrate Killeen can vote on filling the Chair position vacated by Mr. Mustapher. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Ordinances

OR-18-018 Consider an ordinance amending the Killeen Code of Ordinances Chapter 11, “Fire Prevention and Protection” by removing the prohibition of use and sales of fireworks within the ETJ.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN BY AMENDING SECTION 11.5 TO NO LONGER RESTRICT FIREWORKS IN THE CITY’S ETJ; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Kathy Davis, City Attorney.

The Texas State Legislature amended the Texas Local Government Code, Section 217.042 to remove a municipality’s ability to restrict fireworks within the extraterritorial

jurisdiction. Our ordinance should be amended to reflect the current law. City Staff recommends amending the City's Ordinance Chapter 11 to be consistent with state law.

Motion was made by Councilmember Rivera to approve OR-18-018. Motion was seconded by Councilmember Menking. Motion carried unanimously.

OR-18-019 Consider an ordinance amending the Killeen Code of Ordinances Chapter 16, to no longer regulate the discharge of firearms in areas annexed after 1981 in accordance with state law, and to allow air-powered weapon businesses.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 11, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS BY AMENDING SECTION 16-44 PROVIDING FOR AIR POWERED WEAPON BUSINESS AND SECTION 16-46 PROVIDING A DEFENSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Kathy Davis, City Attorney.

Ms. Davis gave a brief overview of the current ordinance which only allows the discharge of air-powered weapons and archery devices in agricultural and agricultural single family residential zoned property, identifying that the current ordinance does not allow for paintball businesses. The following amendments are being presented for City Council consideration: allow for discharge of air-powered weapons and archery devices as part of a business located on property zoned B-5 Business District; and in accordance with state law, provide for an exception to enforcement. City staff recommends adopting the amendments to Chapter 16.

Motion was made by Councilmember Menking to approve OR-18-019. Motion was seconded by Councilmember Harris. Motion carried unanimously.

OR-18-020 Consider an ordinance amending Chapter 28 Traffic, Article V. Stopping, Standing and Parking, Sec. 28-132 Parking in residential areas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE V. OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, REGARDING TRAFFIC: STOPPING, STANDING AND PARKING: PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Chief Kimble, Police Chief.

Upon review of the current ordinance and in consideration of public safety and public nuisance abatement, staff recommends Council approve an amendment to City Ordinance 28-132, making it unlawful for any person to park any vehicle having a capacity of more than one (1) ton, including, but not limited to, truck tractors, on a street within 600 feet of property zoned or used for residential purposes.

Motion was made by Councilmember Fleming to approve OR-18-020. Motion was seconded by Councilmember Menking. Motion carried 6 to 1 with Councilmember Johnson in opposition.

Public Hearings

PH-18-037 **HOLD** a public hearing and consider an ordinance requested by Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc. (Case #Z18-24) to rezone part of Lot 1, Block 1, Abundant Life Acres, from “R-3” (Multifamily Residential District) to “R-3” (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150’ tall monopole communication structure. The property is locally known as 1210 Florence Road, Killeen, Texas. (Requires a 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 PART OF LOT 1, BLOCK 1, ABUNDANT LIFE ACRES, FROM “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) TO “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT” (C.U.P.) FOR A 150’ MONOPOLE COMMUNICATION STRUCTURE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, City Planner.

The proposed monopole is proposed to be located approximately 155’ from the west and south property lines and approximately 310’ from Florence Road. The rear portion of the subject property abuts two residential areas (Rolling Acres and Swope Estates, First Extension). The proposed communication tower will be enclosed by a 50' by 50' enclosure, which will be accessed via an all-weather surface. The Planning and Zoning Commission by a vote of 6 to 1 recommended approval of the applicant's request for a Conditional Use Permit (C.U.P.) for a proposed 150' tall monopole communications structure, with the allowance of chain-link fencing as an acceptable screening device along the west and south project site. Commissioner Gukeisen voted in opposition.

Mayor Segarra invited the Applicant to speak: Mr. Laddie Galloway with Titan Towers spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mr. Johnny Frederick, 1405 S. 2nd Street spoke against the request.

Bishop David Scoggins of Abundant Church of God, 1210 Florence Road spoke in favor of the request.

Ms. Mellisa Brown, 6105 Melanie Drive spoke against the request.

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

Motion was made by Mayor Pro-Tem Kilpatrick to table PH-18-038. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

PH-18-040A Consider a memorandum/resolution approving an Intergovernmental Support Agreement with the U.S. Army Garrison at Fort Hood.

Staff Comments: Matt Van Valkenburgh, Executive Director of Aviation.

Mr. Van Valkenburgh provided a brief overview of the history of this initiative. This agreement will provide that airfield markings and minor pavement maintenance will be done by the Killeen Fort Hood Regional Airport. The five year agreement with five (5) one-year options will provide additional revenue in the amount of \$517,000 with the initial expense being estimated at \$460,000. Staff recommends approval of the Intergovernmental Support Agreement with the U.S. Army Garrison at Fort Hood at Robert Gray Army Airfield / Killeen-Fort Hood Regional Airport and authorize the City Manager or designee to execute same as well as any and all amendments as allowed per federal, state, or local law.

Motion was made by Mayor Pro Tem Kilpatrick to approve PH-18-040A. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-18-040B **HOLD** a public hearing and consider an ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts in Aviation.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2019 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING REVENUE AND EXPENDITURE ACCOUNTS IN AVIATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance.

The Killeen-Fort Hood Regional Airport (KFHRA) staff has negotiated an inter-governmental support agreement (IGSA) with the U.S. Army Garrison at Fort Hood for maintenance on Robert Gray Army Airfield. This agreement has revenue and expenditures for each year of the agreement. The revenue for the agreement for the first year will be \$517,540 and will increase contractually 2% per annum for the duration of the agreement. Staff recommends that the City Council approve the ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services of the City of Killeen increasing revenue and expenditure accounts in Aviation.

Mayor Segarra opened the public hearing.

Ms. Mellisa Brown, 6105 Melanie Drive spoke against the request.

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

Motion was made by Councilmember Fleming to approve PH-18-040B. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

PH-18-041A Consider a memorandum/resolution approving an inter-fund loan agreement between the General Fund and Aviation.

Staff Comments: Matt Van Valkenburgh, Executive Director of Aviation.

Mr. Van Valkenburgh recognized that the Killeen Fort Hood Regional Airport has been notified that the airport is on a list of small and nonhub airports that could be awarded

funds for eligible projects. KFHRA's Taxiway B rehabilitation is an eligible project. However, the project needs to be designed as soon as practicable to be ready for the grant award that is anticipated February 2019. The design cost for the project is \$701,400 and the proposed funding mechanism for the design is an inter-fund loan agreement from the General Fund. This loan will be paid in full by September 2019 from the fiscal year 2019 airport improvement program entitlement grant and passenger facility charge revenue. Staff recommends approval of the inter-fund loan agreement between the General Fund and Aviation Fund, and authorize the City Manager or designee to execute the same, as well as any and all amendments as allowed per federal, state, or local law.

Motion was made by Mayor Pro Tem Kilpatrick to approve PH-18-041A. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Johnson in opposition.

PH-18-040B **HOLD** a public hearing and consider an ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the design of taxiway improvements at the Killeen-Fort Hood Regional Airport.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2019 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING REVENUE AND EXPENDITURE ACCOUNTS FOR THE DESIGN OF TAXIWAY IMPROVEMENTS AT THE KILLEEN-FORT HOOD REGIONAL AIRPORT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance.

Staff at the Killeen-Ft. Hood Regional Airport (KFHRA) was notified by the Federal Aviation Administration (FAA) of a potential grant opportunity. In order to apply for the grant opportunity, funding has to be secured for the design of the project. The entitlement funds are used on a reimbursement basis, so upfront funding is required. The General Fund will provide an inter-fund loan to initially cover the design costs, and bridge the gap until the airport improvement program funding is received. Since the General Fund will lose interest revenue on the \$701,400 loaned to initially cover the design costs, Aviation will pay interest on the outstanding amount. It is anticipated that the airport improvement program funds will be received no later than September 2019, which will make the loan from the General Fund outstanding for approximately nine months. The interest earned on the City's investments for last quarter was about 2%. The interest to be paid by Aviation while the loan is outstanding will be at a rate of 2.5%, which represents the rate earned last quarter (2%) plus fifty basis points (0.5%). The interest will be paid by the Passenger Facility Charge Fund in addition to the 10% match previously mentioned. The estimated interest to be paid on the loan is \$13,151. Staff recommends that the City Council approve the ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the design of taxiway improvements at the Killeen Fort Hood Regional Airport.

Mayor Segarra opened the public hearing.

Ms. Mellisa Brown, 6105 Melanie Drive spoke against the request.

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

Motion was made by Councilmember Menking to approve PH-18-041B. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Johnson in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Nash-King, seconded by Councilmember Johnson, and unanimously approved, the meeting was adjourned at 6:38 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary