

City of Killeen
Regular City Council Meeting
Killeen City Hall
November 22, 2016 at 4:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Richard Young

Also attending were Interim City Manager Dennis M. Baldwin, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Cole.

Minister Biggers gave the invocation, and Councilmember Rivera led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda pulling RS-16-041 and PH-16-042 from consideration. Motion seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the November 8th Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Resolutions

RS-16-139 Consider a memorandum/resolution approving the investment report for the quarter ended September 30, 2016.

Staff comments: Susan Anderson, Valley View Consulting
Briefly went over the quarterly report.

Staff recommends that the City Council approve the investment report for the quarter that ended September 30, 2016.

Motion was made by Councilmember Rivera to approve RS-16-139. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-16-140 Consider a memorandum/resolution authorizing the use of a Request for Qualifications/Request for Proposals (RFQ/RFP) for improvements to the rental car return facility system at Killeen-Fort Hood Regional Airport.

Staff comments: Jim Livingston

Staff recommends using a RFQ/RFP to select a team for the design-build of the rental car return facility system at Killeen-Fort Hood Regional Airport and authorize staff to utilize the RFQ/RFP procurement method to identify and select the best value design-build team for the upgrades to the rental car return facility at the Killeen-Fort Hood Regional Airport.

Motion was made by Councilmember Okray to approve RS-16-140. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-16-141 Consider a memorandum/resolution terminating lease agreements at the Killeen Arts & Activities Center with Richard Milburn Academy, Bell County - Human Services, Central Texas Council of Governments-Housing Division, Bring Everyone in the Zone, and Killeen Civic Art Guild.

Staff comments: Leslie Hinkle

Due to a recent structural assessment of Killeen City Hall revealing major work that needed to be done in order for the building to continue to function as office space for city administration and other city offices, it is recommended that Killeen City Council terminate the lease agreements with Richard Milburn Academy, Bell County-Human Services, Central Texas Council of Governments - Housing Division, Bring Everyone in the Zone, and Killeen Civic Art Guild in order to utilize the space for city offices.

Motion was made by Councilmember Johnson to approve RS-16-141. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Councilmember Kilpatrick stated for the record that he has some reservations regarding the impact this request will have on the citizens and wants to be assured by the City Manager that efforts to revitalize downtown will continue. Councilmember Kilpatrick wants to see the revitalization committee reformed to work toward the downtown revitalization effort.

Mayor Pro-Tem Moore stated for the record that he agrees with Councilmember Kilpatrick's comments and thanked Ms. Hinkle for her efforts.

RS-16-142 Consider a memorandum/resolution updating authorized representatives for TexPool.

Staff comments: Stephen Barnes

Staff recommends that the following changes be made regarding TexPool authorized representatives for the City of Killeen and that the attached Resolution Amending Authorized Representatives from TexPool be approved:

| Add | Remove | Remain |
|---|--------------------|--|
| Dennis M. Baldwin, Interim City Manager | Lillian Ann Farris | Jonathan Locke, Director of Finance |
| Althea Davis, Staff Accountant | | Karen Evans, Assistant Director of Finance |
| | | Latashia Cherry, Accounting Supervisor |

Motion was made by Councilmember Kilpatrick to approve RS-16-142. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-16-143 Consider a memorandum/resolution rescheduling the December 2016 City Council meetings.

Staff comments: Dennis Baldwin

Because the fourth Tuesday of December falls during the Christmas holidays, it is recommended that the December City Council meetings be rescheduled to December 6th and December 13th.

Motion was made by Councilmember Fleming to approve RS-16-143. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-16-144 Consider a memorandum/resolution authorizing a change order for the City of Killeen Fiber Installation Project.

Staff comments: Tom Moore

The staff is seeking approval for a change order to run fiber from PD HQ through the WS Young corridor providing full fiber connectivity in and out of PD Headquarters. This will also provide an opportunity to include Fire Station 6, as the fiber will run through its property. The staff recommends that City Council authorize the Interim City Manager to approve this change order in the amount of \$40,363.90 to provide more efficient fiber connectivity through the City of Killeen.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-144. Motion was seconded by Councilmember Okray. Motion carried 6 to 1 with Councilmember Johnson opposing.

RS-16-145 Consider a memorandum/resolution for a service agreement with Web Benefits Design.

Staff comments: Eva Bark

Web Benefits Design stores the City employees' benefits elections and has access to information needed to administer the filing of Form 1094-C and 1095-C. Utilizing this service will ensure that the 1094-C and 1095-C forms are filed in compliance with federal regulations and the City will have the support from experts who specialize in this area. It is recommended that City Council authorize staff to enter into an agreement with Web Benefit Designs to administer the filing of Form 1094-C and 1095-C for 2017.

Motion was made by Councilmember Fleming to approve RS-16-145. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Public Hearings

PH-16-037 HOLD a public hearing and consider a resolution renaming Rosewood Drive to "JD Aycock Boulevard."

Staff comments: Tony McIlwain

Mayor Pro-Tem Moore's street name change request is consistent with Code Section 25-118 (5) which is to "to honor a person, place, institution, group, entity, event or similar subject" with regard to street names. The Planning Staff has reviewed the Bell County tax rolls and determined that one property owner will be affected by the street name change. That property is addressed as 6101 Rosewood Drive and is undeveloped. Staff recommends that the City Council approve the street name change request from Rosewood Drive to "JD Aycock Boulevard."

Mayor Pro-Tem Moore thanked citizens for their support of this project and gave a brief overview of Mr. Aycock's education, life in Texas, and professional service. Mayor Pro-Tem Moore read a letter from Mr. Aycock who stated he is grateful for the suggested recognition but requests the city not spend the funds by changing the street name. Mayor Pro-Tem Moore recommends changing the name of the street without using city funds. Funds are being raised in the private sector for this project.

Mayor Segarra opened the public hearing.

Bob Blair, 1307 Ruiz Dr. – encouraged the city to rename the street but not to do it this year. Wants city to delay changing the name until its certain there's no cost to the city.

James Ralston, 408 Yates Road – does not want the city to spend money on this project. Agrees the city should wait and name an unnamed street JD Aycock.

Bill Paquette, 515 Ray - agrees the city should not rush into this project.

Kenny Wells, 2115 Lakeview Loop – spoke in favor of renaming the street.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Kilpatrick to table PH-16-037 until funds are raised. Motion was seconded by Councilmember Young.

Councilmember Okray made a statement for the record. See attached.

Motion carried 5 to 2 with Councilmember Okray and Mayor Pro-Tem Moore opposing.

PH-16-040A HOLD a public hearing and consider an ordinance requested by Linda Nellis, Trustee of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust (Case #Z16-18) to rezone 15.104 acres out of the R. Cunningham Survey, Abstract No. 199, from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) use for a project named South Station Apartments. The property is located near the northeast corner of Cunningham Road and E. Stan Schlueter Loop (FM 3470).

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 PLANNED UNIT DEVELOPMENT (PUD) WITH R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified seven (7) surrounding property owners regarding this request. Staff received no responses.

The Planning & Zoning Commission recommended approval of the applicant’s PUD zoning request by a vote of 7 to 0. The Planning and Zoning Commission recommends the following conditions as part of the approval:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans, with consideration of moving the community amenities to a more centralized location;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 128 trees and 768 shrubs and screening around the north, east and south project boundaries; and
- the applicant shall provide a second amenity area (to include equipment) in the western portion of the development site; preferably the square shaped area located near buildings 11-13.

Mayor Segarra opened the public hearing.

Ms. Sander, 3807 Split Oak Drive – was not aware of the request.

Ms. Sharkey, 3802 Split Oak Dr. – spoke against the request.

Jean Latshaw, Pedcor Investments (developer) – was available for questions.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Kilpatrick to approve PH-16-040A. Motion was seconded by Councilmember Young.

Councilmember Okray made a statement for record. See attached.

Motion carried 4 to 2 with Councilmember Okray and Mayor Pro-Tem Moore opposing, and Councilmember Fleming abstaining.

PH-16-040B Consider a Resolution of No Objection for an application to Texas Department of Housing & Community Affairs for South Station Apartments, an affordable housing development.

Staff comments: Leslie Hinkle

The Texas Department of Housing & Community Affairs administers the housing tax credit program. Staff recommends that the City Council approve a Resolution of No Objection for the application to Texas Department of Housing & Community Affairs for the South Station Apartments.

Motion was made by Councilmember Johnson to approve PH-16-040B. Motion was seconded by Councilmember Rivera. Motion carried 4 to 3 with Councilmember Okray, Councilmember Fleming, and Mayor Pro-Tem Moore opposing.

PULLED FROM CONSIDERATION

PH-16-041 HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Residential' to 'General Residential' (FLUM# Z16-19) for approximately 152 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located on the north right-of-way of Stagecoach Road, east of S. Fort Hood Street (S. H. 195), Killeen, Texas.

PULLED FROM CONSIDERATION

PH-16-042 HOLD a public hearing and consider an ordinance requested by WBW Land Investments, L.P. (Case #Z16-19) to rezone approximately 52.42 acres, being part of the Azra Webb Survey, Abstract No. 857, from "A-R1" (Agricultural Single-Family Residential District) to "SR-1" (Suburban Residential Single Family District) and "R-1" (Single-Family Residential District) to allow for single family residential housing. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, Killeen, Texas.

PH-16-043 HOLD a public hearing and consider an ordinance requested by Karen Wunsch of Masterplan Consultants, on behalf of the Sheryl Yowell Anderson 1998 Trust Et Al, (Case #Z16-20) to rezone 3.093 acres out of the Simeon D. Carothers Survey, Abstract No. 177, from "A" (Agricultural District) to "A" (Agricultural District) with a Conditional Use Permit (CUP) for an electric substation. The substation is proposed to be located approximately 1,230 feet east of Shimla Drive and 557 feet north of Rusack Drive, 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “A” (AGRICULTURAL DISTRICT) TO “A” (AGRICULTURAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR AN ELECTRIC SUBSTATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified one (1) surrounding property owners regarding this request. Staff has received no protest. The Planning & Zoning Commission recommended approval by a vote of 7 to 0 of the applicant’s Conditional Use Permit request subject to adherence to the site plan.

Mayor Segarra opened the public hearing.

Mr. Castio, 3715 Rusack Dr. – spoke against the request. Mr. Castio has concerns about the location of the substation and its appearance, and would like to see some vegetation added for esthetics.

Karen Waunch, Oncor representative – explained the topography of the site and the type of station to be built.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Young to approve PH-16-043 with the stipulation that an 8’ masonry wall be installed around the site. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

PH-16-044A Consider a memorandum/resolution authorizing the award of a construction contract to Choice Builders, LLC, for the Brookhaven Rancier Hike & Bike Trail project.

Staff comments: David Olson (PH-16-044A & 044B were considered together)

There were four (4) responsible bids submitted for the project: Choice Builders, LLC, of Temple, TTG Utilities, LP, of Gatesville, Yoko Excavating, LLC, of Belton, and Westar Construction, Inc., of Georgetown. Of the responsible bidders, one (1) was responsive: Choice Builders, LLC; the other three (3) bidders failed to include required documentation with their bid. City staff recommends the City Council award a construction contract to the lowest responsible responsive bidder meeting the specifications, Choice Builders, LLC, in the amount of \$692,296.00. Additionally that it authorize the City Manager to execute all necessary contract documents and all change orders or supplemental agreements for the project within the amounts set by state and local law.

PH-16-044B HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen for the Brookhaven/Rancier Hike & Bike Trail.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES

OF THE CITY OF KILLEEN TO PROVIDE FUNDING FOR THE BROOKHAVEN/RANCIER HIKE & BIKE TRAIL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

On November 19, 2014, the City of Killeen was awarded \$250,000 for the Brookhaven/Rancier Hike and Bike Trail from the Killeen-Temple Metropolitan Planning Organization. A budget amendment is needed in the Child Safety Fund for the project. The total cost of the project is \$692,296. The amendment will increase revenues by \$250,000 to recognize the grant proceeds from the KTMPO. The amendment will also increase expenditures by \$581,283; \$250,000 that is being covered by the KTMPO grant and \$331,283 being carried forward from unused project funds in FY 2016.

Staff recommends that City Council approve the ordinance amending the FY 2017 Budget.

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

Motion was made by Mayor Pro-Tem Moore to approve PH-16-044A&B. Motion was seconded by Councilmember Okray. 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 5:51 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary