

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
January 10, 2017 at 5:00 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.

Mr. Jones gave the invocation, and Bradley and Alton Lane led everyone in the Pledge of Allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Moore to approve the agenda pulling PH-16-048B. Motion seconded by Councilmember Rivera. The motion carried unanimously.*

### **Minutes**

*Motion was made by Councilmember Kilpatrick to approve the minutes of the December 13th Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

### **Resolutions**

**RS-17-001** Consider a memorandum/resolution authorizing the execution of Change Order No. 11 to McLean Construction, Inc. for the Trimmier Road Widening Project.

**Staff comments:** David Olson

This change order is recommended due to regulation changes requiring pedestrian push buttons and pole locations and the necessity of additional conduit to remove hazardous splicing beneath the roadway. City staff recommends the City Council authorize the City Manager to execute Change Order No. 11 with McLean Construction, Inc., increasing the cost of the contract by \$97,905.10.

*Motion was made by Councilmember Kilpatrick to approve RS-17-001. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.*

**RS-17-002** Consider a memorandum/resolution authorizing the purchase of uniforms for the Killeen Fire Department for fiscal year 2016-2017.

**Staff comments:** Chief Brank

The Fire Department is requesting authority to purchase uniforms from Miller Uniforms and Emblems, Inc. in an amount exceeding the \$50,000 threshold. The uniforms purchased are necessary to ensure all emergency service personnel are readily identifiable to the public as well as to maintain the professional appearance of KFD personnel. The anticipated purchase amount for uniforms is \$100,000. The city staff recommends that the city manager be authorized to execute the purchase of uniforms from Miller Uniforms and Emblems, Inc. through the remainder of its BuyBoard Cooperative Contract expiring March 31, 2017.

*Motion was made by Councilmember Rivera to approve RS-17-002. Motion was seconded by Councilmember Johnson. Motion carried unanimously.*

**RS-17-003** Consider a memorandum/resolution for the purchase of portable radios and mobile/vehicle mount units for the Fire Department.

**Staff comments:** Chief Brank

Approximately 70% of the Killeen Fire Department's portable and mobile radios have reached the end of life and are no longer being produced nor do they have available parts for repair. The Killeen Fire Department is requesting to purchase 70 portable radios and 2 mobile/vehicle mount units from Daily-Wells Communications, who is the sole source provider of the Harris Radio Corporation. The purchase price of \$179,938.22 for the purchase of 70 portable radios and two (2) mobile/vehicle mount units from Daily-Wells Communications is available in the 2016-2017 budget. The city staff recommends that the city manager be authorized to execute the purchase of 70 portable radios and two (2) mobile/vehicle mount units from Daily-Wells Communications, and that he is further authorized to execute any and all change orders authorized by law.

*Motion was made by Mayor Pro-Tem Moore to approve RS-17-003. Motion was seconded by Councilmember Young. Motion carried unanimously.*

**RS-17-004** Consider a memorandum/resolution adopting State Legislative Principles for the 85th Texas Legislative Session.

**Staff comments:** Hilary Shine

A list of State Legislative Principles has been developed to guide the City's efforts in the 85<sup>th</sup> Session. It enumerates positions of support and opposition that can be applied to proposed legislation. Adoption of State Legislative Principles will establish a framework for staff, elected officials and lobbyists to utilize in efforts in the 85<sup>th</sup> Texas Legislative Session. Staff recommends adoption of the resolution to establish State Legislative Principles for the 85<sup>th</sup> Texas Legislative Session.

Councilmember Okay submitted a statement for record. See attached.

*Motion was made by Councilmember Young to approve RS-17-004. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

### **Ordinances**

**OR-16-025** Consider an ordinance granting an electric franchise to Bartlett Electric Cooperative, Inc. (2nd of 3 Readings)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE GRANTING AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE TO BARTLETT ELECTRIC COOPERATIVE, INC.; PROVIDING FOR A FEE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES**

**Staff comments:** Traci Briggs

Bartlett Electric Cooperative, Inc. (“Bartlett”) serves areas in the southern portions of the City that became part of the City through annexation. City staff has negotiated with Bartlett representatives to prepare the proposed franchise. The fee received by the City will be four percent (4%) of the gross receipts from the sale of electricity within the City limits, with payments made annually. The City Charter requires three (3) readings of a franchise ordinance. The three readings will be December 13, 2017; January 10, 2017; and January 24, 2017. It is proposed that this ordinance be effective March 25, 2017. Staff recommends the City Council approve the proposed franchise ordinance.

*Motion was made by Councilmember Rivera to approve the second reading of OR-16-025. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.*

- OR-17-001** Consider an ordinance ordering a general election to be held on May 6, 2017 to elect a District Council Member for each District.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR EACH OF THE 4 DISTRICTS; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THEIR NAMES PRINTED ON THE OFFICIAL BALLOT; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.**

**Staff comments:** Kathy Davis

An ordinance has been prepared calling the election for the purpose of electing a Council Member for each of the 4 Districts and designating the polling places and times. There are 3 polling place changes. For early voting, Gilmore Senior Center to Killeen Community Center, and for Election Day, Haynes Elementary to Fowler Elementary and Transforming Life to Fire Station #1. The estimated cost to conduct this election is \$58,000.00. There will be cost-saving if KISD participates in a joint election with the city. Staff recommends adoption of the proposed ordinance.

*Motion was made by Councilmember Johnson to approve OR-17-001. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

- OR-17-002** Consider an ordinance to amend the number of authorized Fire Rescue Officer and Fire Captain civil service positions for the Killeen Fire Department.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, TO AUTHORIZE THE NUMBER OF FIRE RESCUE OFFICER AND FIRE CAPTAIN CIVIL SERVICE POSITION IN THE KILLEEN FIRE DEPARTMENT TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**Staff comments:** Eva Bark

Fire Station 9 is scheduled to open January 2017, and the staffing requirement of Captains will be three (3) EMS Captains, three (3) Station Captains and one (1) Fire Prevention Captain, a total of seven (7). Human Resources is requesting to reclassify seven (7) current Fire and Rescue Officer authorizations to seven (7) Fire Captain authorizations. The estimated salary and benefit cost to reclassify seven (7) Fire and Rescue Officers to seven (7) Fire Captains is \$65,365.49. Staff recommends the adoption of the proposed ordinance changing the nature, not the total number, of civil service positions, eliminating seven (7) entry-level, full-time Fire and Rescue Officer positions and adding seven (7) Fire Captain positions.

*Motion was made by Councilmember Fleming to approve OR-17-002. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.*

### Public Hearings

#### PULLED FROM CONSIDERATION

**PH-16-048B** HOLD a public hearing and consider an ordinance amending the FY2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase an expense account for an emergency environmental response.

**PH-17-001** HOLD a public hearing and consider an ordinance requested by John and Kimberly Anne Jones-Greenwalt (Case# Z16-23) to rezone approximately three (3) acres out of the J.S. Wilder Survey, Abstract No. 780, from “R-1” (Single-Family Residential District) to “A” (Agricultural District). The property is located at 2707 Polk Street, 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 “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “A” (AGRICULTURAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The requestor is making the request so that they can keep a pot-belly pig for a pet. The staff notified nine surrounding property owners regarding this request. Staff has received no protests. The Planning & Zoning Commission recommended approval by a vote of 8 to 0 for the applicant’s zoning request.

Mayor Segarra opened the public hearing.

Steven Dunhem – spoke in favor of request.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-17-001. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 5:31 p.m.

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Jose L. Segarra, Mayor

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Dianna Barker, City Secretary