

City of Killeen
Regular City Council Meeting
Killeen City Hall
October 27, 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 Coplin.

Dr. Campbell gave the invocation, and Councilmember Fleming 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 October 20th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-15-076 Consider a memorandum/resolution appointing members of the Killeen Volunteers, Inc. - Youth Advisory Commission and swear in.

Staff comments: Roxanne Flores

37 students were present that were selected as YAC commissioners. Mayor Cospers swore-in the new students.

Motion was made by Councilmember Blackstone to approve RS-076. Motion was seconded by Councilmember Moore. Motion carried unanimously.

RS-15-078 Consider a memorandum/resolution amending the lease for space at the Killeen Arts and Activities Center with Richard Milburn Academy.

Staff comments: Traci Briggs

Richard Milburn administration has approached city staff to terminate janitorial services to the leased area as of November 1, 2015. The cost of supplies far outweighs the monthly fee charged for providing the janitorial service.

Staff recommends that the city council approve an amendment to the 2011 lease agreement with the Richard Milburn Academy to discontinue janitorial services effective November 1, 2015.

Motion was made by Councilmember Okray to approve RS-078. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.

RS-15-079 Consider a memorandum/resolution appointing members to various boards and commissions.

Staff comments: Kathy Davis

This resolution is to appoint vacancies for terms beginning October 1st, as well as some vacancies in unexpired-terms, created by recent resignations.

Staff recommends appointing Dr. Logan Beene, DVM to replace Keri Jones on the Animal Advisory Committee, postpone appointments to the vacancies on the Arts Commission until more applications can be obtained, and postpone appointment to the vacancy on the Killeen Volunteers board pending discussions with the board liaison.

Motion was made by Councilmember Blackstone to appoint Dr. Logan Beene to the Animal Advisory Committee. Motion was seconded by Councilmember Okray. Motion carried unanimously.

RS-15-080 Consider a memorandum/resolution awarding Bid No. 16-01 for a construction contract with Lott Brothers Construction, for the construction of Fire Station #9.

Staff comments: Fire Chief Gardner

Four bids were received for the project. The four submittals and their corresponding base bid are:

Emerson Construction Co. - \$4,550,000

Chaney-Cox Construction - \$4,730,000

Lott Brothers Construction Co. - \$4,520,000

G. Creek Construction - \$4,700,000

Lott Brothers Construction represents the lowest responsible bid for the Killeen Fire Station #9 project and meets all requirements of the bid specifications.

Staff recommends that City Council authorize the City Manager to execute a contract with Lott Brothers Construction for the construction of Fire Station #9 in the amount of \$4,520,000 and the City Manager is further authorized to execute any change orders in the amounts allowed by state law.

Motion was made by Councilmember Moore to approve RS-080. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

RS-15-081 Consider memorandum/resolution authorizing the City Manager to submit a Surface Transportation Program Metropolitan Mobility (STPMM) application to the Killeen - Temple Metropolitan Planning Organization (KTMPO) to compete for Category 7 funding to construct an extension to Rosewood Drive.

Staff comments: Scott Osburn

Under the proposed grant application, the City would provide approximately \$2,750,000 for a construction match and engineering services. If awarded the Category 7 grant, the City would be reimbursed up to \$6,000,000 (proposed grant request) as the project progresses. Staff recommends that the City Council authorize the City Manager to submit a Surface Transportation Program Metropolitan Mobility - Category 7 application to the Killeen - Temple Metropolitan Planning Organization for the extension of Rosewood Drive and further that: "The City of Killeen supports funding this project as shown in the nomination budget (including the 25% 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 Rivera to approve RS-081. Motion was seconded by Councilmember Blackstone. Motion carried 5 to 2 with Councilmember Okray and Councilmember Fleming opposing.

Ordinances

- OR-15-020** Consider an ordinance amending Chapter 8 and Chapter 11 of the Killeen Code of Ordinances adopting the 2015 International Construction and Fire Codes and the 2014 Electrical Code as amended.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, BY AMENDING ARTICLE II, ARTICLE IV, AND ARTICLE V, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONSTRUCTION AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES; ADOPTING THE AMENDED 2015 INTERNATIONAL CONSTRUCTION CODES; AMENDING CHAPTER 11 BY AMENDING ARTICLE II, ARTICLE III AND ARTICLE V ADOPTING THE AMENDED 2015 INTERNATIONAL FIRE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Earl Abbott

By adopting new construction codes, new life safety requirements are introduced as well as new products. On July 21, 2015, the Construction Board of Appeals concluded its code hearings with the building community and voted unanimously to recommend that the City Council adopt the 2015 International Construction Codes and 2014 National Electrical Code as amended. Building Inspections and Fire Department staff recommend approval of the attached ordinance.

Motion was made by Councilmember Kilpatrick to approve OR-020 as presented adding the effective date of January 1, 2016. Motion was seconded by Councilmember Moore. Motion carried unanimously.

- OR-15-021** Consider an ordinance approving the Master Economic Development Agreement By and Among the City of Killeen, Killeen Tax Investment Zone #2 and La Cascata Retail Village LLP.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, APPROVING THE MASTER ECONOMIC DEVELOPMENT AGREEMENT BY AND AMONG CITY OF KILLEEN, TEXAS, KILLEEN TAX INCREMENT INVESTMENT ZONE #2 AND LA CASCATA RETAIL VILLAGE LLP, PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff comments: Kathy Davis

In 2012, the Killeen Economic Development Corp. began discussions with representatives of the La Cascata Retail Village LLP (“Developer”) regarding development of a shopping center development, containing approximately 320,000 square feet of rentable area, on the western border of Skylark Field. The Developer advised that an agreement with the City to provide a performance-based economic development grant to defray a portion of the costs would make the project more feasible. After negotiations between the representatives of KEDC, the City and Developer, the following terms were reached, and are being recommended to Council:

TIRZ #2 Components:

- Financing of \$8,000,000 in eligible project costs (i.e., off-site streets, water, wastewater, storm drainage and other public improvements necessary in connection with the development) with TIRZ funds;
- Developer must create a taxable appraised value of at least \$37,000,000 within one year after the first payment date, \$50,000,000 within two years after the first payment date, and \$55,000,000 within three years after the first payment date and throughout the balance of the TIRZ #2 term;
- No TIRZ revenues will be paid to developer if the taxable appraised value drops below 60% of the annual projected appraised values in any given year;
- Term of the TIRZ will be extended.

Sales Tax Rebates/380 Agreement Components:

- An annual sales tax rebate of one half of 1% collected by the city until an amount of \$3,600,000 has been rebated;
- Payments will not begin until the construction of \$5,000,000 in new capital improvements and all public infrastructure at the site has been completed, at least \$100,000 in City sales tax revenues have been generated, and 75 full-time or 300 part-time jobs have been created;
- Sales taxes from a business relocating to the site from another location in the City will not be eligible for inclusion in the available city sales tax revenues for the site;
- Sales tax rebates will be limited to those companies in a retail sector where there is documented retail leakage outside the city limits of Killeen.

Staff recommends that Council consider the attached Ordinance approving the Master Economic Development Agreement By and Among City of Killeen, Texas, Killeen Tax Increment Investment Zone #2 and La Cascata Retail Village LLP.

Motion was made by Councilmember Rivera to approve OR-021. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.

Public Hearings

PH-15-050A HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Estate' to 'General Commercial' (FLUM# Z15-26) for approximately .996 acres, being part of the W. H. Cole Survey, Abstract No. 200. The property is located along the west right-of-way of Featherline Road and is locally known as 7950 Featherline Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'ESTATE' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY .996 ACRE OF LAND LOCATED ALONG THE WEST RIGHT-OF-WAY OF FEATHERLINE ROAD, BEING LOCALLY KNOWN AS 7950 FEATHERLINE ROAD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The intent of the request is to have commercial enterprise come to this site. The property owner is agreeable to Suburban Commercial zoning.

The Planning and Zoning Commission recommended approval of amending the Future Land Use Map from 'Estate' to 'Suburban Commercial' by a vote of 7 to 1, with Commissioner Harkin in opposition. The 'Suburban Commercial' designation allows a range of commercial and retail uses near residential areas with a scale and intensity compatible with residential uses.

Mayor Cospoer opened the public hearing.

Dick Young, 6501 E. Stagecoach Rd – represents the applicant. Spoke in favor of the request.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-050A changing the requested zoning from General Commercial to Suburban Commercial. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-15-050B HOLD a public hearing and consider an ordinance requested by Trey and Julie Gallaway (Case #Z15-26) to rezone .996 acres, being part of the W. H. Cole Survey, Abstract No. 200, from "A" (Agricultural District) to "B-4" (Business District). The property is locally known as 7950 Featherline Road, 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 B-4 (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 eleven (11) surrounding property owners within a 200' notification boundary. Staff has received no protests.

The Planning & Zoning Commission voted 6 to 2 to approve "B-3" (Local Business District) zoning, with Commissioners Alvarez and Harkin in opposition to the applicant's request. Applicant is agreeable to B-3 zoning.

Mayor Cospoer opened the public hearing.

Dick Young, 6501 E. Stagecoach Rd. – spoke in favor of request.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Kilpatrick to approve PH-050B changing the requested zoning from B-4 to B-3. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-15-051 HOLD a public hearing and consider an ordinance by Galdino and Maria Rodriguez (Case #Z15-27) to rezone approximately 0.216 acres, being part of Block 1, Strip 6, Harbour Addition, from "B-2" (Local Retail District) to "R-1" (Single-Family Residential District). The property is locally known as 505 Harbour Avenue, 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 B-2 (LOCAL RETAIL DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE

REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The intent of this request is to occupy the existing building as a residence.

The proposal is consistent with the Comprehensive Plan. The staff notified fifteen (15) surrounding property owners within a 200' notification boundary. Staff has received no protests. The Planning & Zoning Commission voted unanimously by a vote of 8 to 0 to recommend approval of the "R-1" zoning request

Mayor Cospo opened the public hearing.

Maria Rodriguez, 505 Harbour Ave – spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-051. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Mayor Pro-Tem Segarra, and unanimously approved, the meeting was adjourned at 5:39 p.m.

Scott Cospo, Mayor

Dianna Barker, City Secretary