

City of Killeen
Regular City Council Meeting
Killeen City Hall
December 13, 2016 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 Gilman.

Councilmember Okray gave the invocation, and James Ralston led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda pulling and postponing PH-16-048B from consideration until January 10th meeting. Motion seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the December 6th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-16-147 Consider a memorandum/resolution approving the appointment of a City Auditor.
Staff comments: Eva Bark
Recommend the City Council approve the selection of Matthew Grady as City Auditor.

Motion was made by Councilmember Fleming to approve RS-16-147. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-16-148 Consider a memorandum/resolution approving the appointment of an Executive Director of Public Works.
Staff comments: Eva Bark
Recommend the City Council approve the appointment of David Olson as Executive Director of Public Works.

Motion was made by Councilmember Kilpatrick to approve RS-16-148. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-16-149 Consider a memorandum/resolution authorizing the award of Bid No. 17-01 for a construction contract to Battery Warehouse for the construction of Stewart Neighborhood Project Phase 3- Sidewalk Reconstruction.
Staff comments: David Olson
City staff recommends the City Council award a construction contract for sidewalk

reconstruction and tree root removal associated with Stewart Neighborhood Project, Phase 3 - Sidewalk Reconstruction to the lowest responsive and responsible bidder for line item one (1) through line item twenty-four (24) to Battery Warehouse, McAllen, Texas, in the amount of \$150,405.92. Additionally, staff recommends that City Council authorize the City Manager to execute all necessary contract documents along with all change orders or supplemental agreements for the project within the amounts set by state and local law.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-149. Motion was seconded by Councilmember Okray. Motion carried unanimously.

RS-16-150 Consider a memorandum/resolution authorizing the City Manager to enter into a professional services agreement with Mitchell and Associates, Inc. for the design of the Rosewood Drive Extension project.

Staff comments: David Olson

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 the Rosewood Drive Extension and Heritage Oaks Hike and Bike Trail, Segment 3 project, in the amount of \$741,623 and that the City Manager be authorized to execute any and all change orders or supplemental agreements within the amount established by state and local law.

Motion was made by Councilmember Rivera to approve RS-16-150. Motion was seconded by Councilmember Kilpatrick.

Councilmember Okray made a motion to divide into two parts, Rosewood Drive Extension and Heritage Oaks Hike and Bike Trail. Motion was seconded by Councilmember Fleming.

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

Motion tied 3 to 3 with Councilmember Johnson, Councilmember Okray, and Councilmember Fleming voting for the motion, and Councilmember Young, Councilmember Kilpatrick, and Councilmember Rivera opposing the motion. Mayor Pro-Tem Moore abstained. Mayor Segarra broke the tie by voting against the motion. Motion failed.

Motion on the main motion carried 6 to 1 with Councilmember Okray opposing.

RS-16-151 Consider a memorandum/resolution authorizing the City Manager to execute an advance funding agreement with the Texas Department of Transportation (TxDOT) to construct Heritage Oaks Hike and Bike Trail Segment 3A.

Staff comments: David Olson

The proposed project entails constructing a 12-foot wide concrete trail with associated lighting and trail amenities. This project would provide improved access to transportation alternatives for the community. City staff recommends that the City Council authorize the City Manager to enter into an advance funding agreement with the Texas Department of Transportation for the Transportation Alternatives Program and issue an initial payment in the amount of \$7,200 and subsequent payment in the amount of \$16,800 prior to bid advertising to the Texas Department of Transportation to accept the award funding and move forward with the project.

Motion was made by Councilmember Rivera to approve RS-16-151. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 1 with Councilmember Okray opposing.

RS-16-152 Consider a memorandum/resolution authorizing Change Order No. 9 to RM Rodriguez Construction, LP for the Killeen Fort Hood Regional Trail, Segment 3 project.

Staff comments: David Olson

Change Order No. 9 will add or subtract quantities to balance changes made in the field. This change will be the final adjustment to quantities for the project and is a portion of the closeout process. City staff recommends City Council authorize the City Manager to execute Change Order No. 9, which is a net decrease of \$77,195.58 for the Killeen Fort Hood Regional Trail, Segment 3 project with RM Rodriguez Construction.

Motion was made by Councilmember Kilpatrick to approve RS-16-152. Motion was seconded by Councilmember Young. Motion carried unanimously.

RS-16-154 Consider a memorandum/resolution to authorize participation in the Texas Water Development Board Grant for the Nolan Creek Regional Flood Protection Master Plan project.

Staff comments: Kristina Ramirez

Benefits of a regional flood protection master plan include prioritization and coordination of structural and nonstructural projects throughout the watershed, improved water quality, increased public education, and increased public safety. This grant would allow the City to proceed with the 2012 Drainage Master Plan planned project, without having to wait for funding in a future drainage bond. Staff recommends the City Council approve participation in the TWDB Flood Protection Planning Grant for the Nolan Creek Regional Flood Protection Master Plan project and authorize the City Manager to execute all contracts, change orders, documents, and agreements associated with the grant.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-154. Motion was seconded by Councilmember Fleming. Motion carried 5 to 2 with Councilmember Kilpatrick and Councilmember Young opposing.

Public Hearings

PH-16-048A Consider a memorandum/resolution authorizing the execution of a professional services contract amendment with CG Environmental - Cleaning Guys, LLC, for the August 12, 2016, emergency environmental response.

Staff comments: Kristina Ramirez

In December 2014, the City entered into a contract for emergency response services with CG Environmental - Cleaning Guys, LLC (CG). The services within that contract were for hazardous material cleanup, remediation, and disposal, not to exceed \$50,000.00. On the morning of Friday, August 12, 2016, the City responded to a gas fire at 4415 E. Veterans Memorial Boulevard. Staff evaluated the situation and determined that the level of response needed required professional assistance. As a result, staff utilized the existing contract authorization to contact CG to request assistance in the containment, remediation, and disposal of petroleum products that entered the soil and watercourse.

Due to previous payments to CG Environmental on other issues, city staff recommends that the City Council authorize the City Manager to enter into a contract amendment with CG Environmental - Cleaning Guys, LLC for \$214,199.02 for the August 12, 2016 Emergency Environmental Response project.

Motion was made by Mayor Pro-Tem Moore to approve PH-16-048A. Motion was seconded by Councilmember Okray.

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

Motion carried 5 to 2 with Councilmember Johnson and Councilmember Young opposing.

POSTPONED UNTIL JANUARY 10, 2017 MEETING.

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-16-049 HOLD a public hearing and consider an ordinance requested by Christian House of Prayer, Inc. (Case #Z16-22) to rezone Lot 1, Block 1, Christian House of Prayer Addition and Lot 1, Block 1, Christian House of Prayer Addition Phase 3, from “B-3” (Local Business District) to “B-4” (Business District). The property is located on the southwest corner of E. Stan Schlueter Loop (FM 3470) and Cunningham Road.

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-3 (LOCAL BUSINESS 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 forty-two (42) surrounding property owners regarding this request. Staff has received no protests. The Planning & Zoning Commission recommended approval of “B-4” (Business District) for approximately 47 acres, being all of Lot 1, Block 1, Christian House of Prayer Addition Phase 3 and the western 7.7 acres of Lot 1, Block 1, Christian House of Prayer Addition, by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

With no one appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-16-049. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

PH-16-050 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 transfer of unallocated Solid Waste funds to the General Fund.

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 ALLOW FOR THE TRANSFER OF UNALLOCATED SOLID WASTE FUNDS TO THE GENERAL FUND; 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

Since the Fleet Replacement Program was terminated, the Solid Waste Fund will also recognize a \$1,517,515 reduction in expenses for FY 2017. The reduction in expenses represents Solid Waste's contribution towards the Fleet Replacement Program. The total economic benefit for Solid Waste due to the termination of the Fleet Replacement Program is \$2,009,341. The recommendation is to make a one-time transfer of the unallocated funds from the closure of the Fleet Replacement Program from Solid Waste to the General Fund. The recommended amount of the one-time transfer is \$1,677,216. Staff recommends that City Council approve the ordinance allowing a one-time transfer of unallocated Solid Waste funds to the General Fund.

Mayor Segarra opened the public hearing.

James Ralston, 408 Yates Rd – Spoke against the proposal.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-16-049. Motion was seconded by Councilmember Kilpatrick.

Councilmember Fleming made a motion to amend the original motion, adding that the money would be borrowed from the solid waste fund instead of being permanently transferred from the solid waste fund. Motion was seconded by Councilmember Young. Motion failed 2 to 5 with Councilmember Okray, Mayor Pro-Tem Moore, Councilmember Rivera, Councilmember Kilpatrick, and Councilmember Johnson opposing.

Motion on the main motion carried 4 to 3 with Councilmember Young, Councilmember Johnson, and Councilmember Fleming opposing.

Ordinances

OR-16-024 Consider an ordinance amending Chapter 30, Article IV, Division 1, Sections 30-102 & 103, water meter and tap fees.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 30 WATER, SEWERS, AND SEWAGE DISPOSAL, ARTICLE IV, DIVISION 1, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, PROVIDING FOR REVISIONS TO WATER METER AND TAP FEES; 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: David Olson

After extensive analysis of the City's current water service policy, staff has concluded that the following revisions to this policy are necessary:

1. Developer installs all new water services per City standards.

2. City Public Works inspectors monitor installations.
 3. City water crew installs water meter and meter box.
 4. Builder pays a \$200 meter connect fee for each service.
 5. In established subdivisions, City water crew installs water service and meter after the builder has paid an \$800 fee for a long service or a \$500 fee for a short service 3/4” meter and increased fees for larger meters.
- Staff recommends that City Council approve the amendment of Chapter 30 of the Code of Ordinances providing for revisions to water meter and tap fees, effective three months after its passage and publication according to law.

Motion was made by Councilmember Okray to approve OR-16-024. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1 with Councilmember Young opposing.

OR-16-025 Consider an ordinance granting an electric franchise to Bartlett Electric Cooperative, Inc. (1st 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 Okray to approve the first reading of OR-16-025. Motion was seconded by Mayor Pro-Tem Moore. 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 6:31 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary