

**City of Killeen**  
Regular City Council Meeting  
Killeen Utilities Collections Conference Room  
December 11, 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 5:05 p.m.), Shirley Fleming, Debbie Nash-King and Steve Harris

Also attending were City Manager Ron Olson, Deputy City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Gilman.

Mr. Jones gave the invocation, and Councilmember Rivera 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.*

### **Minutes**

*Motion was made by Councilmember Menking to approve the minutes of the November 27, 2018 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

### **Resolutions**

**RS-18-106** Consider a memorandum/resolution to approve the Killeen Fort Hood Regional Airport rental car agreements.  
**Staff Comments:** Matt Van Valkenburgh, Executive Director of Aviation.  
Mr. Van Valkenburgh provided a brief history of rental car operations at the airport. The existing rental car leases were approved in 2011. Bids were released in October of 2018 with Avis Budget Car Rental LLC, Clearwater Transportation, Ltd., EAN Holdings, LLC d/b/a Enterprise Rent-A-Car Company, EAN Holdings, LLC d/b/a Alamo Rent a Car and National Car Rental, and The Hertz Corporation all submitting compliant responses to the bid requirements. New agreements are for a single term of five years with no extensions. Staff recommends that City Council approve the rental car agreements with the aforementioned companies 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 Councilmember Johnson to approve RS-18-106. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-18-107** Consider a memorandum/resolution adopting the 2019 State Legislative Priorities and Principles.  
**Staff Comments:** Hilary Shine, Executive Director of Communications.  
Ms. Shine presented a list of state legislative principles that has been developed to provide to state representatives of the City of Killeen and other legislators or agencies with an

interest in issues that affect the City during the 2019 State Legislative Session. Staff recommends that City Council approve adoption of the 2019 State Legislative Priorities and Principles.

*Motion was made by Councilmember Nash-King to approve RS-18-107. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-18-108** Consider a memorandum/resolution awarding Bid No. 19-04 for a Water and Sewer supply items purchase agreement with ACT Pipe and Supply, Ferguson Waterworks, and Zenner USA.

**Staff Comments:** David Olson, Executive Director of Public Works.

Mr. Olson gave a brief overview of the agenda item. Five companies submitted responses to the request for bids, with one company retracting their bid as of November 19, 2018. Staff recommends that the following vendors are awarded the corresponding bids items and that the City Manager is expressly authorized to execute any and all changes within the amounts set by state and local law:

Section 1:

- Items 1-2: Ferguson Waterworks.
- Items 3-10: ACT Pipe and Supply.

Section 2:

- Items 1-3: Zenner Performance Meters, Inc.
- Item 4: Ferguson Waterworks.
- Item 5: ACT Pipe and Supply.

Section 3:

- Items 1-19: ACT Pipe and Supply.

*Motion was made by Councilmember Rivera to approve RS-18-108. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-18-109** Consider a memorandum/resolution authorizing the rejection of Bid No. 19-03 for the construction of the South Water Supply Project, Phase 1: Lower Pressure Plane Water Main.

**Staff Comments:** David Olson, Executive Director of Public Works.

Mr. Olson gave a brief overview of the agenda item. On November 14, 2018, bids were opened and read aloud for the construction portion of the South Water Supply, Phase 1: Lower Pressure Plane Water Main. Seven contractors submitted bids on this project; however, the contract did not include necessary language describing the proper bidder qualifications. It is necessary to reject all bids, revise the contract documents and rebid the project. City staff recommends that the City Council reject all bid submissions for Bid No. 19-03 for the construction of the South Water Supply Project, Phase 1: Lower Pressure Plane Water Main.

*Motion was made by Mayor Pro Tem Kilpatrick to approve RS-18-109. Motion was seconded by Councilmember Menking. Motion carried unanimously.*

## Ordinances

**OR-18-017** Consider an ordinance amending Chapter 25, Streets, Sidewalks, and Miscellaneous Public Places by establishing a Street Maintenance Fund and providing for collection of street maintenance fees.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 25, STREETS, SIDEWALKS, AND MISCELLANEOUS PUBLIC PLACES BY ESTABLISHING A STREET MAINTENANCE FUND AND PROVIDING FOR COLLECTION OF STREET MAINTENANCE FEES; PROVIDING FOR EXEMPTIONS AND ADJUSTMENTS FROM STREET MAINTENANCE FEES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** David Olson, Executive Director of Public Works.

After thorough discussion and consideration by City Council, staff was directed to provide an ordinance establishing a street maintenance fee to increase revenues as necessary to provide the recommended adjustment to the pavement treatment budget. A draft ordinance was presented to City Council on December 4, 2018 during a regularly scheduled council workshop meeting. The proposed ordinance establishes a special revenue fund, Street Maintenance Fund, to ensure the funds collected are used for street maintenance activities. Furthermore, it sets the recovery rate of the street maintenance fee at 26.35% of the current system cost or \$1.70 per month per single family equivalent. While the ordinance will become effective immediately, the implementation phase will take approximately 6 months to properly integrate the new fee into the billing system. The collection of this fee will start in the July 2019 billing cycle. Based on feedback that has been received over the last week concerning the draft ordinance that was presented at the workshop, staff is requesting four amendments as follows: 1) Section 25-225, Definitions. The definition of “monthly street maintenance cost per unit” should explicitly exclude any new construction; 2) Section 25-226, Creation of Street Maintenance Special Revenue Fund. Add: The Street Maintenance Special Revenue Fund shall be audited twice annually, once by the city’s internal auditor and once by the external auditor. Audits should occur approximately six months apart, as feasible; 3) Section 25-232, Exemptions. Clarify that the ordinance does not apply to a property that is vacant and is not generating any traffic; and 4) Section 25-234. Billing and Payment. Amend to use the term “utility billings” rather than “water and wastewater billings.” City staff recommends that the City Council approve the ordinance as presented amending Chapter 25, Streets, Sidewalks, and Miscellaneous Public Places by establishing a Street Maintenance Fund and providing for collection of street maintenance fees.

*Motion was made by Mayor Pro Tem Kilpatrick to approve the proposed ordinance OR-18-017 with the following amendments: 1) Section 25-225, Definitions. The definition of “monthly street maintenance cost per unit” should explicitly exclude any new construction; 2) Section 25-226, Creation of Street Maintenance Special Revenue Fund. Adding the statement, The Street Maintenance Special Revenue Fund shall be audited twice annually, once by the city’s internal auditor and once by the external auditor. Audits should occur approximately six months apart, as feasible; 3) Section 25-232, Exemptions. Clarify that the ordinance does not apply to a property that is vacant and is not generating any traffic; and 4) Section 25-234. Billing and Payment. Amend to use the term “utility billings” rather than “water and wastewater*

*billings”. Motion was seconded by Councilmember Fleming. Motion carried 4 to 3, with Councilmember Nash-King, Councilmember Harris, and Councilmember Johnson opposed.*

### **Public Hearings**

**PH-18-037** **HOLD** a public hearing and consider an ordinance by Reece’s Creek Group, L.C. (Case #Z18-23) to rezone Lots 3A-8A, Block 3, University Village, Second Amendment and Lots 10-13, Block 3, University Village, from University District (“UD”) with a Conditional Use Permit (C.U.P.) for “RT-1” (Residential Townhouse Single-Family District) to University District (“UD”) with a Conditional Use Permit (C.U.P.) for “R-2” (Two-Family Residential District). The properties are addressed as 6700, 6702, 6704, 6706, 6708 and 6710 Student Union Drive and 6701, 6703, 6705 and 6707 University Village Way, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN CHANGING THE ZONING OF LOTS 3A-8A, BLOCK 3, UNIVERSITY VILLAGE, SECOND AMENDMENT AND LOTS 10-13, BLOCK 3, UNIVERSITY VILLAGE, FROM UNIVERSITY DISTRICT “UD” WITH A CONDITIONAL USE PERMIT (C.U.P.) FOR “RT-1” (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) TO UNIVERSITY DISTRICT “UD” WITH A CONDITIONAL USE PERMIT (C.U.P.) FOR “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, City Planner.

The effect of this rezoning would revert the ten (10) existing townhouse lots to five (5) duplex lots. The property is designated as ‘Suburban Commercial’ on the Comprehensive Plan’s Future Land Use Map (FLUM). This designation encompasses a range of commercial retail and service uses, at varying scales and intensities depending on the site. Staff notified sixteen (16) surrounding property owners within 400 ft. of the subject site and has received no responses in support or opposition. The Planning and Zoning Commission recommends approval of the applicant’s zoning request by a vote of 5 to 0; noting that that there is no minimum lot area requirement within the University District and the submitted amending plat illustrates that the applicant will meet all “R-2” applicable setbacks as well as meeting all other applicable University District architectural design standards and landscaping requirements.

Mayor Segarra invited the Applicant to speak: Mr. Ace Renau with Mitchell and Associates spoke in favor of the request.

Mayor Segarra opened the public hearing.

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

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

*Motion was made by Councilmember Johnson to approve PH-18-037. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 5:36 p.m.

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Jose Segarra, Mayor

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Lucy C. Aldrich, City Secretary