

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
July 9, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming, Debbie Nash-King and Steve Harris

Also attending were City Manager Ron Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Dr. Mark Kirkland gave the invocation; and Councilmember Harris 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 Mayor Pro Tem Kilpatrick to approve the minutes of the June 25, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

### **Resolutions**

**RS-19-057** Consider a memorandum/resolution adopting a Phase II Stormwater Management Plan to comply with the 2019 Texas Pollutant Discharge Elimination System, General Permit No. TXR04000 for small municipal separate storm sewer system operators.

**Staff Comments:** Kristina Ramirez, Director of Environmental Services.

The Stormwater Management Program (SWMP) addresses the federal Clean Water Act and Texas Water Code regulations of stormwater discharges from a MS4 (municipal separate storm sewer systems). The TCEQ (Texas Commission on Environmental Quality) begins renewal of the Phase I program every five years. The City Council adopted the current SWMP on April 22, 2014 (CCM/R 14-041R). The 2019 TPDES (Texas Pollutant Discharge Elimination System) general permit for small MS4s became effective on January 24, 2019. The City of Killeen must submit an adopted compliant SWMP to the TCEQ prior to or on July 23, 2019. City Staff recommends that the City Council approve the 2019 SWMP and authorize the City Manager, or his designee, to submit the 2019 SWMP with the Notice of Intent to the TCEQ.

*Motion was made by Councilmember Rivera to approve RS-19-057. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-19-058** Consider a memorandum/resolution authorizing an Interlocal Agreement with Central Texas Council of Governments, approving a grant for a Household Hazardous Waste event.

**Staff Comments:** Jeff Reynolds, Assistant Director of Public Works.

The City of Killeen hosts Household Hazardous Waste (HHW) collection events annually. These events allow City of Killeen residents the opportunity to dispose of hazardous products while protecting the common watershed (South Nolan Creek) and preserving our water resources for current and future generations. The Interlocal Agreement with Central Texas Council of Governments (CTCOG) would open up the event to all residents in the region and provide additional funding. The estimated cost to the City of Killeen is \$20,000 with an additional \$10,000 reimbursement from the CTCOG. Funds for this event have been budgeted in the current fiscal year. City staff recommends that the City Council authorize the City Manager or his designee to execute an Interlocal Agreement between the City of Killeen and the Central Texas Council of Governments for a \$10,000 grant. This event is scheduled for July 20, 2019; and would afford residents of seven (7) counties the opportunity to dispose of hazardous products, keeping them out of the waste stream and protecting our common watershed.

*Motion was made by Councilmember Fleming to approve RS-19-058. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-19-059** Consider a memorandum/resolution establishing a public hearing date of August 27, 2019 to consider the Impact Fee Capital Improvements Plan and Land Use Assumptions in accordance with Texas Local Government Code Chapter 395.

**Staff Comments:** Danielle Singh, Executive Director of Public Works.

In October 2018, the City Council authorized the creation of the Impact Fee Capital Improvements Advisory Committee. The committee has continued to meet with City Staff and our consultant to discuss a proposed Capital Improvements Plan and Land Use Assumptions. Texas Local Government Code requires the City Council to set a public hearing date by resolution to allow the public a chance to comment on the Capital Improvements Plan and Land Use Assumptions. Notice of the public hearing date of August 27, 2019 will be published in the newspaper at least 30 days in advance. The proposed Capital Improvements Plan and Land Use Assumptions will be placed on the City website for the public to review. Ms. Singh reviewed the proposed timeline that included dates for advertisement of public hearings, the public hearings themselves, the dates the committee submits written comments to City Council and City Council action dates. City staff recommends that the City Council approve the resolution setting public hearing dates of August 27, 2019 and October 8, 2019 to consider the Impact Fee Capital Improvements Plan and Land Use Assumptions, provide public notice, and make information available to the public in accordance with State Law.

*Motion was made by Councilmember Menking to approve RS-19-059. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.*

**RS-19-060** Consider a memorandum/resolution authorizing an Interlocal Agreement with the Killeen Independent School District for the KISD Fire Academy.  
**Staff Comments:** Brian Brank, Fire Chief.  
Since 2003, the Killeen Fire Department has offered KISD pupils the opportunity to attend the Killeen Fire Academy. This program allows students from KISD who pass the Fire and EMT-B courses at the end of their senior year to test for a structural fire certification from the Texas Commission on Fire Protection (TCFP) and an EMT-B certification from the Texas Department of State Health Services (TDSHS) and enables candidacy for a future job pool. Staff recommends that the City Council approve the Interlocal Agreement for the KISD Fire Academy and authorize the City Manager, or his designee, to execute the Agreement.

*Motion was made by Councilmember Nash-King to approve RS-19-060. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-19-061** Consider a memorandum/resolution approving the annual renewal of a maintenance agreement with Superior to host the financial enterprise software.  
**Staff Comments:** Willie Resto, Executive Director of Information Technology.  
Superior is the software used for accounts payable, budget, payroll, purchasing, code enforcement, permits and utility collections. The current system is in the Information Technology Department's data center. The software has been in place since 1998 and the current hardware components are five years old. Over the past 20 years the City has added modules at a cost over \$400,000 bringing the total enterprise software investment to \$1.6 million. Funds for the annual renewal are evaluated and approved as part of the IT Department budget. There is a non-hosted or hosted option. Up until now, Killeen has selected non-hosted. The IT Department and city management recommend moving to a five (5) year term hosted solution beginning current fiscal year FY18-19. The hosted solution would: (1) provide better system support; (2) enhance security of the data; and, (3) establish dedicated redundancy in case of system failure or natural disaster. Staff recommends the City Council authorize the City Manager, or designee to execute a contract for the hosted services, maintenance and support agreement of the Superior software with Superior, LLC, and further that the City manager, or designee be expressly authorized to execute any and all change orders or supplemental agreements within amounts set by state and local law.

*Motion was made by Councilmember Nash-King to approve RS-19-061. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-19-062** Consider a memorandum/resolution authorizing the expenditure of city funds in excess of \$50,000 to COBAN Technologies, Inc. for new video systems and repairs to existing systems for the Police Department.  
**Staff Comments:** Jeff Donahue, Commander – Police Department.

The original video recording systems in the police interview rooms are failing and in need of replacement. Texas Code of Criminal Procedure requires statements of accused be recorded for admission into court. COBAN Technologies manufactures interview room recording systems that are compatible with the department's existing in-car and body-worn video systems. The proposed new systems will outfit eight interview rooms including those in CID, the Jail, and the North Operations Building for the cost of \$41,720. The cost of the new interview room systems and repair costs combined with repair expenses paid to COBAN will exceed \$50,000 during the current fiscal year. The Police Department has budgeted funds available for this expense. Staff recommends that the City Manager or his designee be authorized to execute the described purchase of new video systems and continued repairs of existing systems by COBAN Technologies, Inc., through the HGAC purchasing cooperative. The combined expenses will exceed \$50,000 in city funds to one vendor for the current fiscal year.

*Motion was made by Councilmember Menking to approve RS-19-062. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

- RS-19-063** Consider a memorandum/resolution authorizing the expenditure of city funds in excess of \$50,000 for police equipment and uniforms from Galls, LLC. for the Police Department.  
**Staff Comments:** Jeff Donahue, Commander – Police Department.. Uniforms and equipment are purchased under the TASB Buyboard contract. Total projected expenses for the current fiscal year are projected to be up to approximately \$84,000. The Police Department has budgeted funds available for this purchase. Staff recommends that the City Manager or his designee be authorized to execute the described purchase of police uniforms, duty gear and body armor from Galls, LLC through the TASB BuyBoard purchasing cooperative, an expense that will exceed \$50,000 in city funds to one vendor for the current fiscal year.

*Motion was made by Councilmember Rivera to approve RS-19-063. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

- RS-19-064** Consider a memorandum/resolution authorizing the acceptance of the Victims of Crime Act (VOCA) Crisis Assistance Program grant through the Office of the Governor, Criminal Justice Division.  
**Staff Comments:** Jeff Donahue, Commander – Police Department.. The Police Department applied for and has been offered a two-year Victims of Crime Act (VOCA) grant from the Office of the Governor, Criminal Justice Division to continue and enhance the current Crisis Assistance Program. This grant will provide funding for continued professional counseling services to victims of violent crimes; emergency financial assistance for transportation, temporary shelter services, medical prescription payments, and emergency safety related home repairs. Funding from this award will also provide for a clerk position for Victim Assistance for two years. The grant covers salary, benefits, training and office

supply expenses for this position. The clerk applicant will be notified in writing that this is a grant funded position. The total grant awarded to the City of Killeen is \$104,382 with the required City match being \$26,096. The match will be covered by volunteer hours and the Crime Victim Liaison's salary (in-kind contributions). There is no expense to the City of Killeen. This grant is fully funded for two years. Staff recommends the City Council authorize the City Manager or his designee to accept the Office of the Governor, Criminal Justice Division's 2021 VOCA Grant award for the Killeen Crisis Assistance Program.

*Motion was made by Councilmember Nash-King to approve RS-19-064. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

### **Public Hearings**

**PH-19-021A HOLD** a public hearing and consider an ordinance requested by Clark & Fuller on behalf of True Fountain, L.L.C. (Case #FLUM19-07) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' designation to a 'General Residential' designation for approximately 4.634 acres and a 'General Commercial' designation for approximately .617 acre, being all of Lots 18 and 19, Block 1, Southwest Crossing. The total acreage of this request is approximately 5.251 acres. The properties are addressed as 6306 Trimmier Road and 6309 Turkey Trot 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 RESIDENTIAL' FOR 4.634 ACRES AND 'GENERAL COMMERCIAL' FOR APPROXIMATELY .617 ACRE, BEING LOTS 18 AND 19, BLOCK 1, SOUTHWEST CROSSING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, Assistant Director of Planning and Development Services.

The applicant intends to develop the property into two-family duplex and multi-family housing. The property is addressed as 6306 Trimmier Road and 6309 Turkey Trot Road, Killeen, Texas. Staff recommends that the FLUM designation be changed to 'Suburban Commercial' ('SC') for the entire 5.251 acres being requested. The Planning and Zoning Commission recommended approval of 'Suburban Commercial' for the full 5.251 acres of land by a vote of 3 to 2, with Commissioners Cooper and Gukeisen opposed to the motion.

Mayor Segarra invited the applicant to speak.

The applicant, nor their representative, was in attendance.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Mayor Pro Tem Kilpatrick to approve PH-19-021A for the full 5.251 acres of land being amended to Suburban Commercial. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**PH-19-022** **HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Reeces Creek Developers, Ltd. (Case #Z19-10) to rezone approximately 20.409 acres, out of the Eugene LaSere Survey, Abstract No. 527, the W. T. Millsaps Survey, Abstract No. 1041 and the W. Freer Survey, Abstract No. 307, from “A” (Agricultural District) and “R-1” (Single-Family Residential District) to “R-1” (Single-Family Residential District). The property is located east of Bunny Trail and south of Goodnight Ranch Addition, Phase 14, Section 1 (unrecorded plat), 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 APPROXIMATELY 20.409 ACRES OUT OF THE EUGENE LASERE SURVEY, ABSTRACT NO. 527, THE W. T. MILLSAPS SURVEY, ABSTRACT NO. 1041 AND THE W. FREER SURVEY, ABSTRACT NO. 307, FROM “A” (AGRICULTURAL DISTRICT) AND “R-1” (SINGLE-FAMILY RESIDENTIAL 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, Assistant Director of Planning and Development Services.

The property is designated as ‘General Residential’ (GR) on the City’s Future Land Use Map (FLUM). Staff notified forty-eight (48) surrounding property owners within a four hundred feet (400’) notification boundary. Staff received one response of opposition from a surrounding property owner and two individuals spoke in opposition during the Planning & Zoning Commission meeting. Staff recommends that the City Council approve the applicant’s zoning request. The Planning & Zoning Commission recommended approval of the applicant’s request for “R-1” (Single-family Residential District) zoning by a vote of 4 to 1 with Commissioner Gukeisen in opposition.

Mayor Segarra invited the applicant to speak.

The applicant, nor their representative, was in attendance.

Mayor Segarra opened the public hearing.

Moshe Schrauth, spoke against the request.

Holly Teel, spoke against the request.

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

*Motion was made by Councilmember Rivera to approve PH-19-022. Motion was seconded by Councilmember Menking. Councilmember Fleming made an amended motion to table the item. Councilmember Johnson seconded the amended motion. The amended motion failed 3 to 4, with Councilmember Menking, Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King in opposition. The main motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.*

### **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 6:44 p.m.

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Jose Segarra, Mayor

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Lucy C. Aldrich, City Secretary