

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
July 26, 2016 at 4:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick (arrived at 4:45), Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Richard Young (arrived at 4:07)

Also attending were Stu McLennan (sitting in for Dr. Farris), City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Cole.

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

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Rivera. The motion carried 5 to 0.*

### **Minutes**

*Motion was made by Councilmember Okray to approve the minutes of the July 12th Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.*

*Motion was made by Mayor Pro-Tem Moore to approve the minutes of the July 19th Special City Council Meeting. Motion was seconded by Councilmember Okray. Motion carried 5 to 0.*

### **Resolutions**

**RS-16-078** Consider a memorandum/resolution authorizing the award of a construction contract for Bid # 16-17 for the 2016 Minor Drainage Capital Improvement Project - Illinois to TTG Utilities, LP.

**Staff comments:** Kristina Ramirez

*Councilmember Young came in at this point (4:07).*

Two (2) bids were received by the City of Killeen, TTG Utilities and McLean Construction. City staff recommends that the City Council authorize the City Manager to enter into a contract with TTG Utilities, LP in the amount of \$156,741.00 for the 2016 Minor Drainage CIP - Illinois project and that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

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

*Motion was made by Councilmember Rivera to approve RS-16-078. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 4 to 2 with Councilmember Johnson and Councilmember Fleming in opposition.*

**RS-16-079** Consider a memorandum/resolution authorizing the City Manager to accept grant funding from the Petco Foundation for the Police Department's Animal Services Unit adoption preparation program.

**Staff comments:** Assistant Chief Young

Staff recommends the City Council authorize the City Manager to receive the funding allocated by Petco Foundation, which will be managed and tracked by the Animal Services Unit, in collaboration with the Finance Department, to aid the shelter's adoption preparation program.

Leo Gukeisen, 6209 Nassy Drive – asked for clarification on what fiscal year this funding is budgeted in. Staff clarified there is no tax payer money involved and these funds can only be used for this purpose.

*Motion was made by Councilmember Fleming to approve RS-16-079. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.*

**RS-16-080** Consider a memorandum/resolution to renew the annual maintenance agreement with SunGard Public Sector.

**Staff comments:** Tom Moore

SunGard Public Sector provides the City an integrated suite of software products including Financials, Human Resources, Building Permits, Utility Billing, and Code Enforcement. The maintenance renewal cost covers technical support calls, ongoing education, improvements to infrastructure, and product enhancements. Staff recommends the City Manager be authorized to execute the renewal of the annual maintenance agreement with SunGard Public Sector in the amount of \$115,997.81.

*Motion was made by Mayor Pro-Tem Moore to approve RS-16-080. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.*

**RS-16-081** Consider a memorandum/resolution authorizing lease agreement amendments with Richard Milburn Academy, Bring Everyone in the Zone, Killeen Civic Art Guild, Bell County Human Services, Greater Killeen Free Clinic, and Central Texas Council of Governments at the Killeen Arts & Activities Center.

**Staff comments:** Leslie Hinkle

Staff is recommending the City Council consider an increase to the monthly rent of sixty-two (62) cents per square foot to sixty-eight and 1/2 cents (68.5) per square foot of office space occupied by Richard Milburn Academy, Bring Everyone in the Zone, and Bell County Human Services. For the Killeen Civic Art Guild, staff is recommending the tenant pay for its portion of electricity, gas, water, trash, and sewer beginning with the renewal term. Staff is also recommending that Central Texas Council of Governments pay the same utilities for the space it occupies at KAAC. For the Greater Killeen Free Clinic, staff is recommending that janitorial fees be increased from \$172.00 monthly to \$429.93 monthly, for a net increase of \$3,095.16 annually. Staff recommends amending the leases as described above and that the city manager be authorized to sign said amendments.

*Motion was made by Councilmember Rivera to approve RS-16-081. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 0.*

**RS-16-082** Consider a memorandum/resolution authorizing a lease purchase agreement for the purchase of six (6) cardiac monitors for the Fire Department.

**Staff comments:** Assistant Chief Hawthorne

The Fire Department staff recommends that the City Council authorize the City Manager to enter into a lease purchase agreement for the purchase of six (6) LIFEPAK 15 monitors/defibrillators from Physio-control through U.S. Bank Equipment Finance, and that the City Manager is further authorized to execute any and all change orders within the amounts set by state and local law.

*Motion was made by Councilmember Rivera to approve RS-16-082. Motion was seconded by Councilmember Fleming. Motion carried 6 to 0.*

### Ordinances

**OR-16-009** Consider an ordinance granting a gas franchise to Atmos Energy Corporation. (3rd of 3 readings)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE 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; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.**

**Staff comments:** Traci Briggs

The franchise term is proposed to be fifteen (15) years, with an automatic five-year (5) renewal unless notice to terminate or renegotiate is given by either party 120 days before expiration. The City Charter requires three (3) readings of a franchise ordinance, and the last reading must be not less than 30 days from the first. The three readings will be June 14, July 12, and July 26. A franchise does not take effect until 60 days after passage. It is proposed that this ordinance be effective October 1, 2016. Staff recommends the City Council approve the proposed franchise ordinance.

*Motion was made by Councilmember Okray to approve OR-16-009. Motion was seconded by Councilmember Fleming. Motion carried 6 to 0.*

**PH-16-022** Consider an ordinance requested by the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust to rezone 13.556 acres out of the R. Cunningham Survey, Abstract No. 199 from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “R-2” (Two-Family Residential District) and “R-3F” (Multifamily Residential District) uses for a Housing Tax Credit (HTC) eligible project named Hyde Estates. The property is located along the east right-of-way of Cunningham Road, approximately 600’ south of its intersection with E. Stan Schlueter Loop (FM 3470). (Tabled from July 12, 2016 Regular City Council Meeting. Public Hearing requirement was met at the July 12<sup>th</sup> meeting.)

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 PLANNED UNIT DEVELOPMENT (PUD) WITH R-2 (TWO FAMILY RESIDENTIAL DISTRICT) AND R-3F (MULTIFAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified fifty-seven (57) surrounding property owners regarding this request. Staff received two protests and one in support of the project. The Planning & Zoning Commission recommended approval of the applicant's PUD zoning request by a vote of 4 to 2 with Vice Chair Dorroh and Commissioner Harkin in opposition. The Planning and Zoning Commission recommends the following conditions as part of the approval:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans;
- the applicant shall match or exceed the façade standards as prescribed by the Texas Department of Housing and Community Affairs 2016 Qualified Allocation Plan (QAP); the QAP requires greater than 30 percent stucco or masonry (includes stone, cultured stone, and brick but excludes cementitious siding) on all building exteriors; the percentage calculation may exclude exterior glass entirely;
- the applicant shall provide a minimum of four different color variations within the project;
- all buildings shall be one-story with the exception of those buildings containing 4-bedroom units;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 68 trees, 204 shrubs and screening around the north, east and south project boundaries;
- the applicant shall provide two play areas, each to include universal designed, ADA compliant equipment, as illustrated on the site plan;
- the applicant shall provide an interior sidewalk plan subject to City Council review and approval;
- the applicant shall meet all Hill Country transit (HOP) guidelines and specifications for the bus stop shelter illustrated on the site plan; and
- the applicant shall satisfy City Code for trash receptacles.

Several citizens requested to speak.

Maria Elena Estevez, 1206 E. Ave E, #14 - spoke in favor of rezoning request.

Fannie Williams, 1206 E. Ave E, #12 – spoke in favor of rezoning request.

Adamaris Delgado, 202 N. 24<sup>th</sup> Street, #32 - spoke in favor of rezoning request.

Shari D Pacha, 1203 Attas Ave, #58 – spoke in favor of rezoning request.

Marta Pizarro, 1204 E. Ave E, #9 - spoke in favor of rezoning request.

*Motion was made by Councilmember Johnson to approve PH-16-022. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.*

### Public Hearings

**PH-16-020** HOLD a public hearing and consider an ordinance adopting the 2016-2017 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (Second of Two Public Hearings)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2016-17 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$907,931.00 IN FY 2016-17 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$937,350.53 OF CDBG FUNDS; AND THE APPLICATION OF \$311,289.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$527,254.39 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

*Councilmember Kilpatrick arrived at this point (4:45)*

**Staff comments:** Leslie Hinkle

Projects undertaken with CDBG and HOME Program funds address goals and objectives established in the Consolidated Strategic Plan and Annual Action Plan to meet affordable housing and community development needs.

Ralph Cossey briefly went over recommendations from the CDAC committee.

Staff recommends approval of the proposed 2016-2017 Annual Action Plan and the publishing of the proposed Plan to solicit citizen comments and participation.

Recommend approval of the final Plan with revisions as appropriate, based on citizen comments to be reviewed during the previously held 30 day comment period and the second public hearing on July 26, 2016.

Mayor Segarra opened the public hearing.

Marianne Deleon, 2909 Lake Rd. - thanked the council for supporting the Girl Scout group and explained what they would use the money for.

Maureen Jouett, 2310 Davis – spoke in support of the award for Bring Everyone in the Zone organization.

Howard Davis, 4105 Lost Oak Dr – spoke in favor of anything this community can do to help veterans. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-16-020. Motion was seconded by Councilmember Kilpatrick. 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 4:58 p.m.

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Jose L. Segarra, Mayor

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Dianna Barker, City Secretary