

City of Killeen
Regular City Council Meeting
Killeen City Hall
August 27, 2019 at 5:05 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 Gillman.

Pastor Robert Sperbeck gave the invocation; and Mayor Segarra 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 Nash-King. The motion carried unanimously.

Citizens Petitions

CP-19-011 Edward Skinner – spoke about adding speed bumps on Cody Poe.

Minutes

Motion was made by Councilmember Menking to approve the minutes of the August 6, 2019 Special City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Motion was made by Councilmember Menking to approve the minutes of the August 13, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-19-079 Consider a memorandum/resolution approving the Killeen Arts Commission grant recommendations for FY 2020.

Staff Comments: Jon Locke, Executive Director of Finance

Texas Tax Code 351.101 - Hotel Occupancy Tax, requires hotel occupancy tax revenues to be spent in a manner that directly enhances and promotes tourism, the convention industry, and the hotel industry. It further authorizes municipalities to allocate up to 15% of hotel occupancy tax collections for the arts. Arts Commission Vice-Chair Nelson Santiago briefed City Council of the recommended grant allocations as follows:

\$ 40,000	Vive Les Arts Societe
25,942	Vive Les Arts Children's Theatre
24,000	Killeen Volunteers, Inc.
22,500	Killeen Sister Cities, Osan, Korea
20,000	Armed Forces Natural Hair and Health
15,000	IMPAC Outreach
13,000	Songhai Bamboo Roots
10,000	Central Texas College Foundation
9,750	Crossroads to Texas Quilt Guild
4,975	Artesania y Cultura Hispana
2,000	Killeen Arts Commission

Motion was made by Councilmember Rivera to approve RS-19-079. Motion was seconded by Councilmember Fleming. Motion failed unanimously.

Motion was made by Councilmember Johnson to allow arts grant applicants in the audience to address City Council. Motion was seconded by Councilmember Fleming. Motion carried 5 to 2 with Councilmember Menking and Councilmember Rivera in opposition.

Rodney Duckett, IMPAC Outreach – spoke against the agenda item.

Luvina Sabree, Armed Forces Natural Hair and Health – spoke against the agenda item.

Motion was made by Councilmember Johnson to table RS-19-079 for further discussion at the next workshop meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-19-080 Consider a memorandum/resolution renewing the agreement with Belt Harris Pechacek, LLLP to provide independent auditing services for the City of Killeen for the fiscal year ending September 30, 2019.

Comments: Jon Locke, Executive Director of Finance

City Charter and the Financial Governance Policy requires City Council to designate a Certified Public Accountant to perform the City's annual audit. Audit Committee met on May 30, 2019 and voted to recommend the appointment of Belt Harris Pechacek, LLLP for the FY 2019 audit. The Audit Committee and staff recommend that the City Council renew the agreement with Belt Harris Pechacek, LLLP to provide auditing services for the fiscal year ending September 30, 2019.

Motion was made by Councilmember Fleming to approve RS-19-080. Motion was seconded by Councilmember Menking. Motion carried unanimously.

RS-19-081 Consider a memorandum/resolution awarding a transportation services contract to Cove Taxi, Inc. for the CDBG Elderly Transportation Program.

Staff Comments: Leslie Hinkle, Executive Director of Community Development. Community Development Department has administered an Elderly Transportation Program since 1998. Currently the program can fund 6 rides per month per

participant. A RFP was developed to solicit interest from vendors in providing the demand response service for the elderly transportation program. Cove Taxi, Inc. responded positively to the RFP and staff is proposing a contract (one year, with 3 one-year renewals) for demand response transportation services. City staff recommends that the City Manager or his designee be authorized to sign the contract with Cove Taxi, Inc. for transportation services associated with the Elderly Transportation Program.

Motion was made by Councilmember Nash-King to approve RS-19-081. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

RS-19-082 Consider a memorandum/resolution authorizing the procurement of election equipment from Election Systems and Software through Texas Buyboard.
Staff Comments: Kathy Davis, City Attorney.
Bell County is only required to provide election equipment in odd-numbered years. ES&S (election equipment supplier) notified city staff that due to aging equipment, the cost of renting equipment would increase and they could not guarantee the availability of equipment for the 2020 election. ES&S is a member of the Texas Buyboard and this lease/purchase is in compliance with state and local law purchasing requirements. City staff recommends that city council approve the procurement of the election equipment through the Texas Buyboard, and that the City Manager, or designee, be authorized to execute any change orders as permitted by state and local law.

Motion was made by Councilmember Johnson to approve RS-19-082. Motion was seconded by Councilmember Menking. Motion carried unanimously.

RS-19-083 Consider a memorandum/resolution readopting City of Killeen Governing Standards and Expectations.
Staff Comments: Kathy Davis, City Attorney.
The City of Killeen Governing Standards and Expectations was first adopted via resolution 18-052R on June 27, 2018. It is a single-source reference containing the City Council's rules, protocols, procedures, policies and expectations for itself, committee members, staff and the public. Council is required to annually review and readopt the Governing Standards. The review process was introduced on June 18, 2019, and Council discussed amendments on July 2, July 16, and August 20, 2019. Staff recommends that the City Council readopt the City of Killeen Governing Standards and Expectations, as amended.

Motion was made by Councilmember Fleming to amend the Governing Standards and Expectations allowing councilmembers the opportunity to conduct three (3) meetings per year with fees for use of city facility room, equipment and staff being waived. Councilmember Harris seconded the motion. Motion failed 3 to 4 with Councilmember Menking, Mayor Pro Tem Kilpatrick, Councilmember Rivera, and Councilmember Nash-King in opposition.

Motion was made by Councilmember Nash-King to approve RS-19-083. Motion was seconded by Councilmember Menking. Motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson, and Councilmember Harris in opposition.

Public Hearings

PH-19-026A **HOLD** a public hearing and consider a memorandum/resolution approving the Impact Fee Capital Improvements Plan and Land Use Assumptions.

PH-19-026B Consider a memorandum/resolution establishing a public hearing date of October 8, 2019 to consider the impact fee draft report and the adoption of an impact fee.

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. On July 9, 2019 City Council passed a resolution establishing the first public hearing date as August 27, 2019 to discuss the Impact Fee Capital Improvements Plan and Land Use Assumptions. Ms. Singh reviewed the eligible projects that include water & sewer improvements and roadway improvements. As a reminder, projects must serve new development only (reconstruction and maintenance are not eligible for impact fees). City Staff recommends that the City Council approve the resolution establishing the Impact Fee Capital Improvements Plan and Land Use Assumptions. City Staff further recommends that City Council approve the resolution setting a public hearing date of October 8, 2019 to consider the draft report and maximum impact fee, provide public notice, and make information available to the public in accordance with State Law.

Mayor Segarra opened the public hearing.

Mr. Tolly James – spoke in favor of the agenda item.

Mr. Dick Young – spoke in favor of the agenda item.

Mr. Gary Purser – spoke against the agenda item.

Ms. Mellisa Brown – spoke in favor of the agenda item.

Mr. Don Farek – spoke against the agenda item.

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

Motion was made by Mayor Pro Tem Kilpatrick to table PH-19-026A and PH-19-026B to a future workshop as determined by the City Manager to be appropriately briefed in detail by the Capital Improvement Advisory Committee of their actions and plans. Motion was seconded by Councilmember Menking. Motion was amended by Councilmember Johnson to table PH-19-026A and PH-19-026B to next week's workshop meeting for further discussion with city staff and members of the Capital Improvement Advisory Committee. Motion was seconded by Councilmember Harris. The amended motion carried unanimously. The motion as amended also carried unanimously.

PH-19-027 **HOLD** a public hearing and consider an ordinance requested by True Fountain, L.L.C., on behalf of Full Gospel Church (**Case #FLUM19-10**), to amend the

Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' ('SR') designation to a 'General Residential' ('GR') designation for approximately 19.566 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' TO 'GENERAL RESIDENTIAL' FOR 19.566 ACRES FOR THE PROPERTY LOCATED AT 5603 BUNNY TRAIL, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning.

The property is bisected by North Reece Creek (NRC) Tributary 1. There are no additional wetlands on this parcel. Currently, runoff exits this parcel in a sheet flow manner and flows into Drainage Tract A detention pond. This pond is a part of Bunny Trail Estates and is maintained by the City. It further connects to NCR Tributary, further south, and merges with North Reese Creek, which is outside Killeen city limits. The Planning and Zoning Commission recommended approval of the applicant's FLUM amendment request by a vote of 5 to 2, with Commissioners Payton and Ploecklemann opposed to the motion. Staff recommends that the City Council disapprove the applicant's FLUM amendment request. Staff's determination is that the property is appropriately designated; it is part of a larger area intended for suburban character.

Mayor Segarra invited the applicant to speak.

Ms. Sara Vinson – spoke in favor of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-19-027. Motion was seconded by Councilmember Nash-King. Motion carried 5 to 2 with Councilmember Menking and Councilmember Harris in opposition.

PH-19-028 **HOLD** a public hearing and consider an ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services of the City of Killeen to adjust revenue and expenditure accounts in multiple operating, special revenue, internal service, and capital improvement project funds.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2019 ANNUAL BUDGET AND PLAN OF

MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO ADJUST REVENUE AND EXPENDITURE ACCOUNTS IN MULTIPLE OPERATING, SPECIAL REVENUE, INTERNAL SERVICE, AND CAPITAL IMPROVEMENT PROJECT FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance

Each year, a budget amendment is needed at year-end to align budgets with anticipated expenditure levels. City staff has estimated revenues and expenditures through the end of the fiscal year and identified accounts that require a budget amendment. In accordance with Section X. Fund Balance of the Financial Governance Policies adopted by the City Council February 26, 2019, this budget amendment will transfer fund balance in excess of 22% to the Capital Projects Fund for each applicable operating fund. Also, to establish the Support Services Internal Service Fund (ISF), the major operating funds will transfer a proportionate amount based on the indirect cost allocation. In addition, the amendment will adjust and increase expenditure budgets in the General Fund, Water and Sewer Fund, Solid Waste Fund, Drainage Utility Fund, multiple special revenue funds, internal service funds, and capital improvement project funds. Staff recommends that City Council approve the ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services.

Councilmember Rivera left the meeting during staff's presentation.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-19-028. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Fleming, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 7:26 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary