

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
May 12, 2020 at 5:00 p.m.

Presiding: Mayor Jose Segarra

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

Also attending were City Manager Kent Cagle, City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Councilmember Harris gave the invocation; and Councilmember Fleming 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.*

**Citizens Petitions**

Mellisa Brown - CARES Act Money the City Received

Ms. Brown had questions in regard to how the CARES act money is being spent and accounted for.

**Citizens Comments**

Ricky Williams - spoke in favor of Agenda Item RS-20-046.

Sandra Blankenship - spoke in favor of Agenda Item DS-20-034.

**Discussion Items**

**DS-20-032** Discuss Land Use Regulations and Development Standards.

**Staff Comments:** Tony McIlwain, Executive Director of Planning

Mr. McIlwain introduced Wallis Meshier, Senior Planner, who reviewed examples of routine and substantive proposed amendments being worked on by the Planning and Public Works Departments in the City's zoning ordinance, subdivision regulations and infrastructure standards. Councilmember Nash-King made a motion of direction to have staff move forward with detailed discussions concerning land use regulations and development standards. The motion of direction was seconded by Councilmember Rivera. The motion carried unanimously.

**DS-20-033** Discuss Possible Amendments or Other Appropriate Action Regarding the Recorded Development Agreement for Property Located at 6603 Bunny Trail.

**Staff Comments:** Tony McIlwain, Executive Director of Planning

The City entered into a development agreement on January 4, 2008 with Joyce Reavis for property located at 6603 Bunny Trail. The agreement provides that any development of the property that would require a permit if it were located in the Killeen city limits shall constitute a petition for a voluntary annexation. On February 25, 2014, the agreement was amended to allow for the construction of a monopole cell tower while maintaining the property's extraterritorial status. The applicant is requesting a second amendment to the agreement to allow for development of a commercial business on 4.42 acres while retaining the extraterritorial status. Staff recommends that City Council continue to enforce the existing development agreement, meaning that any development of the property will constitute a petition for voluntary annexation. Councilmember Nash-King made a motion of direction to allow the property owner to voluntarily annex the 4.42 acres where the proposed commercial business would be located instead of the entire property. The motion of direction was seconded by Councilmember Johnson. The motion carried 4 to 3 with Councilmember Menking, Councilmember Rivera and Councilmember Fleming in opposition.

**DS-20-034** Discuss November City Council Election.

**Staff Comments:** Traci Briggs, City Attorney

City Council made a motion of direction on April 28, 2020, to bring forward an item to discuss moving the May election date to the November uniform election date. Ms. Briggs reviewed the Texas Elections Code which concludes that changing to November elections would require a statutory amendment to the Elections Code. Councilmember Rivera made a motion of direction to continue holding City Council elections on the May uniform election date. The motion of direction was seconded by Councilmember Menking. The motion carried 4 to 3 with Councilmember Johnson, Councilmember Harris and Councilmember Fleming in opposition.

### Minutes

*Motion was made by Councilmember Menking to approve the minutes of the April 28, 2020 Regular City Council Meeting. Motion was seconded by Councilmember Johnson. Motion carried unanimously.*

### Resolutions

**RS-20-044** Consider a memorandum/resolution to deny Oncor's Application for Approval to Amend its Distribution Cost Recovery Factor.

**Staff Comments:** Traci Briggs, City Attorney

On April 3, 2020, Oncor filed an application for approval to amend its Distribution Cost Recovery Factor with all cities retaining jurisdiction and with the Public Utility Commission. The application seeks an increase of \$75.9 million annually across the system. This would equate to an increase of approximately \$0.88 per month on the average residential customer bill. City staff and the Oncor Cities

Steering Committee recommend that the City Council deny Oncor's application to amend its Distribution Cost Recovery Factor.

*Motion was made by Councilmember Johnson to approve RS-20-044. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-20-045** Consider a memorandum/resolution awarding Bid Number 20-03 for slurry seal services to Intermountain Slurry Seal, Inc., in an amount not to exceed \$995,000.00 in fiscal year 2020 and to reject all other bid items.

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

The City of Killeen advertised for bids for the procurement of the City's estimated annual requirements of street construction materials and services. On March 24, 2020, (3) three bids were received by the Purchasing Division. Of these three bidders, only Texas Materials Group submitted bids for supply materials. Intermountain Slurry Seal and Viking Construction submitted bids for slurry seal services. City staff recommends that the City Council authorize the City Manager, or designee, to enter into a service agreement with Intermountain Slurry Seal, Inc. in an amount not to exceed \$995,000.00 for slurry seal services in fiscal year 2020, and that the City Manager, or designee, is expressly authorized to execute any and all changes within the amounts set by State and local law; and to reject all other bid items and submissions.

*Motion was made by Councilmember Johnson to approve RS-20-045. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

**RS-20-046** Consider a memorandum/resolution awarding Bid Number 20-05 for construction of the Waterline Rehabilitation Phase III project to TTG Utilities, LP., in an amount not to exceed \$2,059,264.50.

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

The 2012 Water and Wastewater Master Plan includes project 9W to rehabilitate or replace old, small diameter undersized waterlines in the northwest corner area of Killeen. On March 25, 2020, the City of Killeen received competitive bids from four contractors for the Waterline Rehabilitation Phase III project. Staff recommends that the City Council authorize the City Manager or his designee to enter into a construction contract with TTG Utilities, LP, in the amount of \$2,059,264.50, to construct the Waterline Rehabilitation Phase III project, and that the City Manager is expressly authorized to execute any and all changes within the amounts set by State and local law.

*Motion was made by Councilmember Fleming to approve RS-20-046. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.*

**RS-20-047** Consider a memorandum/resolution accepting a Coronavirus Aid, Relief, and Economic Security (CARES) Act Airport Grant.

**Staff Comments:** Mike Wilson, Executive Director of Aviation

The Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748, Public Law 116-136) signed into law by the President on March 27, 2020, includes \$10 billion in funds to be awarded as economic relief to eligible U.S. airports. The Federal Aviation Administration has notified aviation staff that \$2,217,498, is programmed for award in the form of two grants to the Killeen Fort Hood Regional Airport. The first of the two grants has been offered in the amount of \$717,498. This grant can be used for operational and maintenance expenses to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. City staff recommends that City Council accept the CARES Act Airport Grant and authorize the City Manager or designee to execute all necessary grant documents and any and all amendments within the amounts set by Federal, State and local law.

*Motion was made by Mayor Pro Tem Kilpatrick to approve RS-20-047. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

### **Public Hearings**

**PH-20-009** HOLD a public hearing and consider an ordinance readopting the youth curfew. (2nd of 2 hearings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE READOPTING A CURFEW FOR PERSONS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT THEIR BEING IN ANY PUBLIC PLACE FROM 11:00PM ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00AM THE FOLLOWING DAY, AND FROM 12:01 AM UNTIL 6:00AM ON ANY FRIDAY OR SATURDAY OR ON ANY DAY FROM JUNE 1 THROUGH AUGUST 15; PROVIDING DEFINITIONS; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING PENALTIES CONSISTING OF A FINE FOR MINORS NOT TO EXCEED \$500.00, AND FOR PARENTS OF MINORS CONSISTING OF A FINE OF NOT LESS THAN \$50.00, BUT NOT TO EXCEED \$500.00; ADOPTING CERTAIN DEFENSES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Staff Comments:** Chief Kimble, Police Chief

The first of two public hearings for this item was held on April 28, 2020. The City of Killeen adopted the current version of the youth curfew ordinance in 1996. The last re-adoption was in 2017. The Killeen Police Department has gathered statistics that show while juveniles continue to commit offenses during the curfew hours, the number of juvenile arrests during the curfew has remained fairly constant in each of the preceding three years. This indicates that the enforcement of the curfew ordinance has kept juveniles off the streets during the curfew hours.

City staff recommends City Council hold the second of two public hearings and re-adopt the youth curfew ordinance as presented.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-20-009. Motion was seconded by Councilmember Menking. Motion carried unanimously.*

**PH-20-013** HOLD a public hearing and consider an ordinance amending the FY 2020 Annual Budget 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 2020 ANNUAL BUDGET 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

City staff creates a mid-year budget amendment to align budgets with forecasted revenues and expenses. Staff has estimated revenues and expenses through the end of the fiscal year and identified accounts that require a budget amendment. The budget amendment predominantly addresses three major initiatives that include the movement of the departments making up Support Services, establishing a budget for the \$7.1 million Water and Sewer Bond Refunding that occurred in October 2019, and recognizing additional grant funding made available through the passing of the Coronavirus Aid, Relief, and Economic Stability Act (CARES Act). The remaining revenue and expense budget accounts are being amended to align budgets with forecasted amounts. City staff recommends that City Council hold the required public hearing and approve the ordinance amending the FY 2020 annual budget.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Johnson to approve PH-20-013. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Johnson, and unanimously approved, the meeting was adjourned at 7:20 p.m.

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Jose Segarra, Mayor

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Lucy C. Aldrich, City Secretary