

City of Killeen
Regular City Council Meeting
Killeen City Hall
January 26, 2016 at 5:00 p.m.

Presiding: Mayor Scott Cospser

Attending: Mayor Pro-Tem Jose Segarra, Council members Jim Kilpatrick, Juan Rivera, Shirley Fleming, Brockley Moore, Jonathan Okray, and Elizabeth Blackstone

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Coplin.

Mr. Jones gave the invocation, and Mayor Cospser led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Segarra to approve the agenda as written. Motion seconded by Councilmember Fleming. The motion carried unanimously.

Minutes

Motion was made by Councilmember Blackstone to approve the minutes of the January 12th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-16-005 Consider a memorandum/resolution approving a lease agreement with Jacob Paxton d/b/a Paxton Aviation for hangar facilities at Skylark Field.

Staff comments: Matt Van Valkenburgh

The term of the new lease agreement is for three years beginning February 1, 2016, and ending January 31, 2019, with options for two, one-year extensions.

Staff recommends City Council approve the attached lease agreement with Jacob Paxton d/b/a Paxton Aviation and authorize the City Manager to execute same.

Motion was made by Councilmember Kilpatrick to approve RS-16-005. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-16-006 Consider a memorandum/resolution approving a contract with Presidio LLC., to purchase network infrastructure equipment for the Information Technology Services network refresh project.

Staff comments: Tom Moore

This entire purchase cost is \$1,298,727.05. The payment is set at \$259,745.41 for each of the next five years. The city staff requests that the City Council approve the plan to purchase network infrastructure equipment in its entirety and pay out in installments for five years, and that the City Manager is expressly authorized to approve any change orders in compliance with state law.

Motion was made by Mayor Pro-Tem Segarra to approve RS-16-006. Motion was seconded by

Councilmember Okray. Motion carried unanimously.

RS-16-007 Consider a memorandum/resolution authorizing the procurement of a vacuum excavator trailer and a crawler excavator necessary to meet MS4 permit requirements.

Staff comments: Frank Tydlacka

The crawler excavator recommended by staff is the Volvo EC250EL provided by Romco Equipment Co. of Round Rock. The vacuum excavator trailer would be purchased from Ring-O-Matic. Funding for this equipment is available in the amount of \$298,849 of the 2016 Drainage Maintenance Motor Vehicles account.

Staff recommends purchase of the stated equipment utilizing the HGAC Purchasing Cooperative and that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Fleming to approve RS-16-007. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.

RS-16-008 Consider a memorandum/resolution approving an interlocal agreement with the Texas General Land Office for an electricity contract with the Texas General Land Office for an electricity contract.

Staff comments: Stu McLennan

Since the most recent contract for electric service was signed, the City has added 15 additional electric meters. Rather than add the new meters to the current contract, the City will save money by entering into a separate agreement for electric service at a reduced cost of \$0.040412 per kWh.

Staff recommends that the City Council authorize the City Manager to execute an interlocal agreement with the Texas General Land Office for electric service for sixteen City of Killeen electric meters.

Motion was made by Councilmember Blackstone to approve RS-16-008. Motion was seconded by Councilmember Moore. Motion carried unanimously.

Ordinances

OR-16-003 Consider an ordinance granting an application for renewal of taxicab franchise to Cove Taxi. (1st of 3 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING A FRANCHISE TO COVE TAXI TO OPERATE A TAXICAB SERVICE IN THE CITY OF KILLEEN, TEXAS, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE REGULATION OF THE TAXICAB SERVICE; PROVIDING AN INDEMNITY CLAUSE; ESTABLISHING THE FRANCHISE TERM AND EFFECTIVE DATE; PROVIDING A TERMINATION PROVISION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ADOPTION CLAUSE; PROVIDING A REPEALER CLAUSE AND PROVIDING A CODE AMENDMENT CLAUSE.

Staff comments: Kathy Davis

Attached is the franchise ordinance that will allow Cove Taxi to operate a taxicab service within the city of Killeen. The City Charter requires three readings of the ordinance with a

final vote taking place after the third reading. After passage, there is a sixty-day waiting period before the franchise takes effect.

Staff recommends City Council approve the first reading of the Ordinance.

Motion was made by Councilmember Okray to approve the first reading and allow Cove Taxi to continue operating during the approval period. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.

Public Hearings

Item PH-15-060 moved to end of agenda due to applicant not present at this time.

PH-16-005 HOLD a public hearing and consider an ordinance amending the FY 2016 Annual Budget and Plan of Municipal Services of the City of Killeen to authorize the carry forward of FY 2015 funds to the FY 2016 budget and to amend various 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 2016 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING GENERAL FUND EXPENDITURE ACCOUNTS BY \$1,249,468; DECREASING VARIOUS SPECIAL REVENUE FUND ACCOUNTS BY \$93,787; INCREASING VARIOUS CAPITAL PROJECT FUND ACCOUNTS BY \$11,886,598; INCREASING VARIOUS AVIATION FUND ACCOUNTS BY \$418,165; INCREASING VARIOUS SOLID WASTE FUND ACCOUNTS BY \$94,326; INCREASING VARIOUS WATER AND SEWER FUND ACCOUNTS BY \$1,601,493; INCREASING VARIOUS DRAINAGE ACCOUNTS BY \$138,032; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

In order to complete contracted projects and/or services, FY 2015 appropriations need to be carried over into the Annual Budget and Plan of Municipal Services for FY 2016 as a budget amendment.

Staff recommends that the City Council approve the attached ordinance amending the Annual Budget and Plan of Municipal Services for FY 2016 and to re-appropriate encumbered funds from fiscal year ending September 30, 2015.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Blackstone to approve PH-16-005. Motion was seconded by Councilmember Kilpatrick. Motion carried 6 to 1 with Councilmember Okray in opposition.

Councilmember Okray made a statement for the record regarding his opposition. See attached.

PH-16-006 HOLD a public hearing and consider an ordinance requested by twenty-nine (29) property owners requesting a change of zoning from “R-1” (Single-Family Residential District) to “SR-2” (Suburban Residential Single-Family District) for the following properties located

in the Wagon Wheel Estates subdivision, Killeen, Texas: Lots 2, 10 & 12, Block 1; Lots 4-8, 11-13, 15-18, Block 2; Lots 3-4, 7-10, 13-14, Block 3; Lots 1, 3, 7, 10-12, Block 4, Wagon Wheel Subdivision. The properties are locally known as 601, 603, 604 Double Tree Drive; 6414, 6511, 6602, 6603, 6606 and 6609 Wagon Wheel Drive; 601, 602, 603, 604, 6501, 6503, 6505, 6506, 6508, 6510, 6511, 6513, 6515, 6603, 6605, 6606, 6607, 6608, 6609, and 6610 Rein Drive. (601, 6501, 6503, 6505, 6511, 6513, 6515, 6603, 6605, 6607, 6608, 6609, and 6610 Rein Drive require a 3/4 majority vote for approval)

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 'SR-2' (SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Charlotte Hitchman and Tony McIlwain

Staff notified 145 (one hundred forty-five) surrounding property owners within the 200' notification area. Staff received one statement of support and two statements of opposition for these 29 properties.

The Planning and Zoning Commission recommended approval of "SR-2" (Suburban Residential Single-Family District) zoning for all 29 rezoning requests with a vote of 5 to 1. WBW Land Investments, L.P., has submitted an official protest for all 29 properties that are requesting to be rezoned to "SR-2" (Suburban Residential Single-Family District). However, WBW Land Investments, L.P., owns property within 200' of only 13 of the properties requesting rezoning. WBW Land Investments, L.P., makes up 32% of the 200' buffer area around these 13 properties and as such shall require a favorable vote of three-fourths (3/4) of all the members of the City Council for 601, 6501, 6503, 6505, 6511, 6513, 6515, 6603, 6605, 6607, 6608, 6609, and 6610 Rein Drive.

Mayor Cosper opened the public hearing.

Kathy Harkin, 6607 Rein Dr. - Spoke in favor of the rezoning to SR-2.

Terry Clark, 1012 Tumbleweed Dr. - Spoke in favor of the rezoning to SR-2.

Lynn Dowling, 601 Rein Dr. - Spoke in favor of the rezoning to SR-2.

Glenn Bauer, 6605 Rein Dr. - Spoke in favor of the rezoning to SR-2.

Josh Welch, WBW representative, 3000 Illinois Ave. - Spoke against the SR-2 zoning request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-16-006, all 29 properties. Motion was seconded by Councilmember Rivera.

Councilmember Kilpatrick requested discussion on the motion. He asked the Council to consider the ten considerations provided to them with this item from the Farr vs. Tippit document. Five of those considerations raise concerns to him. Councilmember Kilpatrick went over the five concerns.

Motion carried 6 to 1 with Councilmember Kilpatrick in opposition.

PH-16-007 HOLD a public hearing and consider an ordinance amending the FY 2016 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Solid Waste, Water and Sewer, 2014 Certificates of Obligation, and Fleet Funding Program accounts by a total

of \$11,000,000 to establish the Fleet Funding Program.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2016 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING CERTIFICATE OF OBLIGATION 2014 EXPENDITURE ACCOUNTS BY \$1,000,000; INCREASING SOLID WASTE FUND EXPENDITURE ACCOUNTS BY \$3,000,000; INCREASING WATER AND SEWER FUND EXPENDITURE ACCOUNTS BY \$3,500,000; INCREASING FLEET FUNDING PROGRAM REVENUE ACCOUNTS BY \$7,500,000; INCREASING FLEET FUNDING PROGRAM EXPENDITURE ACCOUNTS BY \$3,500,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

A budget amendment needs to be approved by City Council which will allow the City to establish the Fleet Funding Program. A total of \$7,500,000 will be transferred from the Solid Waste, Water and Sewer, and 2014 Certificates of Obligation Funds into the Fleet Funding Program.

Staff recommends that the City Council approve the attached ordinance amending the Annual Budget and Plan of Municipal Services for FY 2016 that creates the Fleet Funding Program.

Mayor Cosper opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Moore to approve PH-16-007. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-15-060 HOLD a public hearing and consider an ordinance by Abdul Khan (Case #Z15-29) to rezone Lot 1, Block 1, Wassay Addition, from “CD” (Cemetery District) with a Conditional Use Permit (CUP) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for a retail store. The property is locally known as 10752 S. Fort Hood Street, Killeen, Texas. (Requires a 3/4 majority vote for approval. Tabled from January 12, 2016 Regular City Council 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 CD (CEMETERY DISTRICT) TO CD WITH A CONDITIONAL USE PERMIT (CUP) TO CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The proposal is consistent with the Comprehensive Plan. The staff notified three (3) surrounding property owners within a 200' notification boundary. Staff has received no protests. The Planning and Zoning Commission recommended CD with a Conditional Use

Permit (CUP) to allow for a 9,100 square feet retail store, for Lot 1, Block 1, Wassay Addition, Killeen, Texas with the following conditions: 100% limestone façade on the north side of the building with 80% masonry requirement on the remaining three sides, with no metal siding to be visible. A three foot (3') vegetative hedge is to be installed on the north side and west side and other landscaping requirements as required by the Cemetery District by a unanimous vote.

Mr. McIlwain presented to the council a new elevation map.

Mayor Cospo opened the public hearing. With no one appearing the public hearing was closed.

This item requires a $\frac{3}{4}$ vote of the council.

Motion was made by Councilmember Kilpatrick to approve PH-15-060 to include the new elevation map that the council received. Motion was seconded by Mayor Pro-Tem Segarra. Motion failed with 5 ayes and 2 no's with Councilmember Rivera and Councilmember Blackstone in opposition.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Segarra, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 6:25 p.m.