

City of Killeen
Regular City Council Meeting
Killeen City Hall
February 14, 2017 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Richard Young

Also attending were City Manager Ronald L. Olson, Assistant City Manager Dennis Baldwin, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms McDaniel.

Mr. Jones gave the invocation, and Councilmember Kilpatrick led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda pulling PH-17-004A from consideration. Motion seconded by Councilmember Fleming. The motion carried unanimously.

Citizens Petitions

CP-17-002 Libuse Harris-Brown (1804 Sherman Drive) - Services for Animals
Ms. Harris-Brown would like to see changes made that would require Animal Control, Police, or Fire Department to respond if a call is placed to 9-1-1 from someone needing assistance with their animal.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the January 24, 2017 Regular City Council Meeting and the minutes from the February 7, 2017 Special City Council meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-17-006 Consider a memorandum/resolution authorizing the procurement of fleet tires.

Staff comments: Frank Tydlacka

Based upon the last year's expenditures for tires and recently-published 2017 pricing, it is anticipated that the City could again spend approximately \$226,000.00 in FY17. Staff recommends approval of the anticipated expenditure of \$226,000.00 in FY17 for tires purchased from Southern Tire Mart that are then charged back to the various City departments and divisions as authorized in the FY17 budget, and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Okray to approve RS-17-006. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-17-007 Consider a memorandum/resolution approving an Interlocal Agreement between City of Killeen and CTCOG for participation in Nolan Creek Flood Protection Study.

Staff comments: David Olson

In order to formalize Killeen's participation with CTCOG in this program, it is necessary to enter into an Interlocal Agreement with CTCOG. CTCOG was required to sign the grant agreement with the TWDB by January 25, 2017. Therefore, the Mayor signed the attached Interlocal Agreement in reliance upon Council's earlier approval of the substantive terms of this agreement on December 13, 2016, and now asks that Council ratify that earlier signature. This agreement merely memorializes Council's agreement of December 13, 2016 to in-kind services of \$92,371.33 and a cash contribution of \$54,227.67.

Staff recommends that the City Council approve and ratify the attached Interlocal Agreement.

Motion was made by Councilmember Rivera to approve RS-17-007. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-008 Consider a memorandum/resolution approving the Interlocal Cooperation Agreement between Bell County, Texas, and the City of Killeen, Texas, for the management and supervision of a portion of county hotel/motel tax proceeds.

Staff comments: Leslie Hinkle

On February 24, 2015, the City Council authorized Bell County to collect and pay the City 2% of the net county tax receipts collected from hotels in the geographical boundaries of the city for management by the City in providing city programs.

The County has since collected that hotel tax and is presenting the Interlocal Cooperation Agreement for consideration. Staff recommends the Killeen City Council approve this agreement in accordance with the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code and authorize the City Manager to execute said agreement.

Motion was made by Councilmember Fleming to approve RS-17-008. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

Judge Burrows from Bell County presented a check in the amount of \$82,497.68 and asked the money to be used for the Killeen hotel and convention industry.

RS-17-009 Consider a memorandum/resolution of support for an application to Texas Department of Housing and Community Affairs for Westwind Apartments and Payton Senior LLC, affordable housing developments.

Staff comments: Leslie Hinkle

Westwind of Killeen is located on the northwest corner of Stan Schlueter Loop and Trimmer Road and proposing 120 units. Payton Senior is proposing 125 units of senior housing and they are located at the southwest quadrant of E Central Texas Expressway and Cunningham Road. In order to be competitive for the tax credits, both proposed developments must submit for a resolution of support from the City of Killeen. Staff recommends that the City Council approve the Resolutions of Support for the application to Texas Department of Housing and Community Affairs for the Westwind Apartments and Payton Senior Apartments.

Motion was made by Councilmember Rivera to approve RS-17-009. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-010 Consider a memorandum/resolution authorizing the award of a professional services agreement with Freese and Nichols to design the South Water Supply Project.

Staff comments: David Olson

As the developer of the City's hydraulic computer model, Freese and Nichols have significant knowledge of the water infrastructure needs in the southern area of the City. F&N has submitted a proposal to design the South Water Supply Project. Staff recommends that City Council authorize the City Manager to enter into an agreement with Freese and Nichols for a professional services agreement for the design and contract administration of the South Water Supply Project in the amount of \$1,863,179.00 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 Mayor Pro-Tem Moore to approve RS-17-010. Motion was seconded by Councilmember Rivera.

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

Motion carried 6 to 1 with Councilmember Fleming opposing.

RS-17-011 Consider a memorandum/resolution authorizing the City Manager to execute an Election Services Contract with Bell County for election services and computer software usage.

Staff comments: Kathy Davis

The Bell County elections administrator has again made available for lease to the city election equipment, VoteSafe, Election Day support, and other miscellaneous services for the May 6, 2017 general election. Staff recommends the City Manager be authorized to execute the attached Contract for election services on behalf of the City of Killeen.

Motion was made by Councilmember Kilpatrick to approve RS-17-011. Motion was seconded by Councilmember Young. Motion carried unanimously.

RS-17-012 Consider a memorandum/resolution approving a Killeen Economic Development Corporation (KEDC) performance agreement in support of Air Service Development (ASD) initiatives and projects at the Killeen Fort Hood Regional Airport (KFHRA).

Staff comments: Matthew Van Valkenburgh

Staff presented information to KEDC related to funding for Air Service Development for the KFHRA to retain existing air service, pursue new aviation opportunities, and develop programs that would make the airport more competitive within the region. Staff recommends the City Council approve the Killeen Economic Development Corporation Performance Agreement to provide up to \$90,000 for Air Service Development and authorize the City Manager to execute the agreement and any and all amendments to the agreement within the amounts set by state and local law.

Motion was made by Councilmember Rivera to approve RS-17-012. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-013 Consider a memorandum/resolution authorizing the use of a Request for Qualifications/Proposal (RFQ/P) for improvements to the rental car ready lot at Killeen-Fort Hood Regional Airport (KFHRA).

Staff comments: Matthew Van Valkenburgh

Staff recommends using an RFQ/P to select a team for a turnkey solution to design, build, and finance this improvement. A standard bid process only guarantees the lowest cost, but not necessarily the best value of a proposal. The RFQ/P process will provide the best value system for the airport and the City. Staff recommends the City Council authorize staff to utilize the RFQ/P process to identify and select the best value design-build team for the upgrades to the rental car ready facility at the Killeen-Fort Hood Regional Airport.

Motion was made by Councilmember Fleming to approve RS-17-013. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

Ordinances

OR-17-003 Consider an ordinance amending sign regulations in Articles IV and V of Chapter 31 of the City of Killeen Code of Ordinances.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE IV DISTRICT REGULATIONS AND ARTICLE V SUPPLEMENTAL REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Holli Clements

Staff completed a comprehensive review of the City's sign ordinances to identify any regulations that are not in compliance with the *Reed* decision. The primary purpose of the proposed ordinance is to remove content based distinctions found mostly in the "Definitions" and "Signs allowed without a permit" sections. In addition, the revisions update and reorder parts of the ordinance for clarity, address citizen concerns that were voiced during the review process, and add a substitution clause allowing noncommercial speech anywhere commercial speech is allowed. The Planning and Zoning Commission unanimously recommends that the City Council adopt the proposed ordinance amending sign regulations in Articles IV and V of Chapter 31 of the City of Killeen Code of Ordinances. There was one additional change made at the meeting. The ordinance in the packet incorrectly referred to 31-503(7) and 31-503(8). The corrected references in 31-505(6) are as follows: 31-505 (6) Signs attached to any fence or property boundary walls except for signs denoted in section 31-503(9) and signs denoted in section 31-503(10).

Motion was made by Councilmember Okray to approve OR-17-003 with the above mentioned additional change. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

Public Hearings

PH-17-002 HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to authorize expenditure of insurance proceeds at Skylark Field.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE AVIATION ENTERPRISE FUND REVENUE ACCOUNT BY \$5,240; INCREASING ENTERPRISE FUND EXPENDITURE ACCOUNTS BY \$5,240; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

Repairs to the airfield guidance sign and the airport perimeter fence were completed utilizing FY 2017 maintenance account funds originally budgeted for other anticipated annual maintenance requirements. Approval of a budget amendment is required for the expenditure and transfer of the insurance proceeds to restore funding to the original expenditure accounts. Staff recommends that City Council approve the ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services.

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

Motion was made by Mayor Pro-Tem Moore to approve PH-17-002. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-17-003 HOLD a public hearing and consider an ordinance requested by Christian Fellowship Church of Killeen, Inc. (Case #Z16-24) to rezone approximately 12.82 acres out of the Moses T. Martin Survey, Abstract No. 963, from “A” (Agricultural District) to “A-R1” (Agricultural Single-Family Residential District). The property is locally known as 8838 Trimmier Road, Killeen, Texas.

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 “A” (AGRICULTURAL DISTRICT) TO “A-R1” (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The Church wants to utilize the site for a new sanctuary. The staff notified eight (8) surrounding property owners regarding this request. Staff has received no protests. The Planning & Zoning Commission recommended approval of the applicant’s zoning request by a vote of 7 to 0.

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

Motion was made by Councilmember Okray to approve PH-17-003. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

PULLED FROM CONSIDERATION

PH-17-004A HOLD a public hearing and consider an ordinance requested by Theresa Marie Hammond and Yeon Ok Lee to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from ‘General Residential’ to ‘General Commercial’ (FLUM# Z16-25) for Lots 6 and 8, Block 4, Sunset Addition. The properties are locally known as 307 and 309 Carter Street, Killeen, Texas.

PH-17-004B HOLD a public hearing and consider an ordinance requested by Theresa Marie Hammond and Yong Ok Lee (Case #Z16-25) to rezone Lots 6 and 8, Block 4, Sunset Addition, from “R-1” (Single-Family Residential District) to “B-5” (Business District). The properties are locally known as 307 and 309 Carter Street, Killeen, Texas.

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 “B-2” (LOCAL RETAIL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This request is submitted by Theresa Marie Hammond and Yong Ok Lee for a proposed barbershop and cafe. The staff notified twenty-four (24) surrounding property owners regarding this request. Staff has received no protests. The Planning & Zoning Commission recommended approval of “B-2” (Local Retail District) by a vote of 7 to 0. The “B-2” zoning district will allow a barbershop and café and is the most restrictive district in which the proposed uses are allowed.

Mayor Segarra opened the public hearing.

Dan Corbin, representing Ms. Yong Lee, 603 N. 8th St. – spoke in favor of request.

Pamela Callaway, Washington State, owner of home on Carter Street – spoke against request.

Della Blake, 312 Carter Street – spoke against request.

With no one appearing the public hearing was closed.

Motion was made by Councilmember Johnson to approve PH-17-004B with zoning of B-2. Motion was seconded by Councilmember Young. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Moore, and unanimously approved, the meeting was adjourned at 6:05 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary