

City of Killeen
Regular City Council Meeting
Virtual
April 28, 2020 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending (via video conference): 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 Kent Cagle, City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Pastor Charles Reid, Jr., joined the meeting by telephone and gave the invocation. Mayor Segarra led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro Tem Kilpatrick to approve the agenda moving Public Hearing items before Resolution items. Motion was seconded by Councilmember Rivera. The motion carried unanimously.

Citizens Comments

No citizens registered to speak.

Discussion Items

DS-20-030 City Manager Updates: COVID 19 Update
Staff Comments: Kent Cagle, City Manager
Mr. Cagle gave an update on COVID 19 and its impact to the city.

DS-20-031 Discuss and Consider Future City Council Meetings
Mayor Pro Tem Kilpatrick made a motion of direction to continue conducting city council meetings bi-weekly through the month of May. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Councilmember Requests for Future Agenda Items

RQ-20-003 Future Agenda Item Requests:

- November City Council Election
Councilmember Harris made a motion of direction to bring an item forward for further discussion on moving the City's May elections to November. Motion was seconded by Councilmember Fleming. Motion carried 4 to 3 with Councilmember Nash-King, Councilmember Fleming and Councilmember Menking opposed.

Minutes

Motion was made by Councilmember Menking to approve the minutes of the April 14, 2020 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Public Hearings

PH-20-009 **HOLD** a public hearing and consider an ordinance readopting the youth curfew. (1st 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 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 first of two public hearings. The second public hearing is scheduled for May 12, 2020.

Mayor Segarra opened the public hearing.

With no one registering to speak, the public hearing was closed.

Mayor Segarra inadvertently skipped PH-20-010 and moved on to PH-20-011.

PH-20-011 **HOLD** a public hearing and consider an ordinance requested by Belton Engineering, Inc., on behalf of Muhammad Khan (Case #Z20-06) to rezone approximately 55.931 acres out of the A. Webb Survey, Abstract No. 857, from "A"

(Agricultural District) to "R-1" (Single-Family Residential District). The property is located to the east of the Rahman Subdivision Phase One and west of Hercules Avenue, Killeen, Texas. The property is addressed as 500 Omar Drive, 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 APPROXIMATELY 55.931 ACRES OUT OF THE A. WEBB SURVEY, ABSTRACT NO. 857, FROM "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Planning

This area is designated as 'General Residential' ('GR') on the Future Land Use Map (FLUM) of the Comprehensive Plan. The applicant's request is consistent with the FLUM. Staff notified two hundred and sixty-eight (268) surrounding property owners regarding this request. As of April 6th, four responses have been received in support and one in opposition to the rezoning. Staff recommends approval of the applicant's "R-1" (Single-family Residential District) request. The Planning and Zoning Commission recommended approval of the applicant's "R-1" zoning request by a vote of 5 to 0.

Mayor Segarra invited the applicant to address City Council.

The applicant did not join the meeting.

Mayor Segarra opened the public hearing.

Mr. Osman Danquah, via telephone, spoke in favor of the agenda item.

Ms. Mahal Green registered to speak but did not join the meeting.

Ms. Danielle Gage, via telephone, spoke in opposition of the agenda item.

With no one else registered to speak, the public hearing was closed.

Motion was made by Mayor Pro Tem Kilpatrick to approve PH-20-011. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1 with Councilmember Harris in opposition.

Following action on PH-20-011, Mayor Segarra went back to PH-20-010.

PH-20-010 HOLD a public hearing and consider an ordinance authorizing the expenditure of The Coronavirus Aid, Relief and Economic Security Act (CARES Act) in supplemental funding from the U.S. Department of Housing & Urban Development

(HUD) - Community Development Block Grant Corona Virus (CDBG-CV) funding and amendments to Annual Actions Plans, and the Citizen Participation Plan as they relate to the CDBG and HOME grant programs and allocations of current and past years CDBG and HOME program grant funding.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CITIZEN PARTICIPATION PLAN, AN AMENDMENT TO ANNUAL ACTION PLANS IN FY 2017, 2018 AND 2019, DESCRIBING THE USE OF CDBG FUNDS FOR PUBLIC FACILITY AND IMPROVEMENT ACTIVITIES REPROGRAMMED IN THE AMOUNT OF \$150,000, THE USE OF HOME CHDO SETASIDE FUNDS REPROGRAMMED IN THE AMOUNT OF \$172,061.25; AND THE ACCEPTANCE AND EXPENDITURE OF SUPPLEMENTAL FUNDING ALLOCATION OF \$613,676, COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) CARES ACT FUNDS THAT REFLECT A CHANGE IN EXPENDITURES TO THE FY 19-20 ANNUAL ACTION PLAN IN THE AMOUNT OF \$763,676, IN CDBG-CV AND CDBG FUNDS, AND \$172,061.25 IN HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Comments: Leslie Hinkle, Executive Director of Community Development The Coronavirus Aid, Relief and Economic Security Act (CARES Act) signed into Public Law (116-13) on March 27, 2020, by President Trump made available \$613,676.00, to the City of Killeen in supplemental CDBG funding (CDBG-CV). HUD recommends the categories of allowable uses as broad categories under the CDBG-CV grant to enable swift implementation actions in protection of the Killeen community from COVID-19. The City is recommending to accept the CDBG-CV funds from HUD and reprogram available funding from current and past years of CDBG and HOME programs to immediately protect, prepare, and prevent the spread of COVID-19, utilize the HUD waivers for the virtual public hearings for citizen comments, uncap the public service category of CDBG funds and allow a 5 day public comment period for the amendments to the Annual Action Plans and the Citizen Participation Plan for the proposed use of the CDBG-CV, CDBG, and HOME funding to immediately protect the Killeen community, prepare our first responders, community partners, and City staff in the prevention and further spread of COVID-19 in the Killeen community. Staff recommends holding a public hearing and 1) approve the amendments to the Citizen Participation Plan and the Annual Action Plans; and 2) approve the supplemental funding from HUD for the CDBG-CV funding allowing the reprogramming of current CDBG funding and past year HOME program funding to utilize in the preparation, prevention and response to the corona virus pandemic for pre-award costs, public health and safety measures directly related to COVID-19, assisting low and moderate income households who are impacted by this pandemic with necessary housing assistance, and increasing necessary public service programs to address community needs related to effects from COVID-19, and all other appropriate responses, allowable under HUD statutory and regulatory requirements, required of the City of Killeen to address effects on the Killeen community from COVID-19.

Mayor Segarra opened the public hearing.

With no one registering to speak, the public hearing was closed.

Motion was made by Councilmember Menking to approve PH-20-010. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

PH-20-012 HOLD a public hearing and consider an ordinance designating the I-14/ Trimmier Road Reinvestment Zone, an 11.875 acre tract of land located northwest of the intersection of Central Texas Expressway and Trimmier Road.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, DESIGNATING AN 11.875 ACRE TRACT OF LAND, LOCATED NORTHWEST OF THE INTERSECTION OF TRIMMIER ROAD AND CENTRAL TEXAS EXPRESSWAY, AS A REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Planning

On April 14, 2020, City staff presented this item as an ordinance without holding a required public hearing. This agenda item corrects the oversight. Pursuant to Sec. 312.202(a)(6), the proposed area is eligible for the creation of a reinvestment zone in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City. Designation of a zone requires a public hearing. Notice of the public hearing has been published in the newspaper and provided to all taxing entities with property located within the proposed reinvestment zone as required by law. Staff recommends that the City Council hold a public hearing and approve the I-14/Trimmier Road reinvestment zone.

Mayor Segarra opened the public hearing.

With no one registered to speak, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-20-012. Motion was seconded by Councilmember Menking. Motion carried unanimously.

Resolutions

RS-20-037 Consider a memorandum/resolution approving an agreement for tax abatement for First National Bank Texas, located in the I-14/ Trimmier Road Reinvestment Zone.

Staff Comments: Tony McIlwain, Executive Director of Planning

On February 24, 2020, the Greater Killeen Chamber of Commerce forwarded the First National Bank Texas' (FNBT) tax abatement application to the City. FNBT is requesting consideration of a ten-year tax abatement incentive and abatement of

100% of the ad valorem property taxes on the additional value of the commercial building (i.e. new eligible improvements), but not on the land or furnishings. The abatement period being requested is for ten years and will total an estimated \$858,715; the annual tax abatement amount is estimated at \$85,871. Staff recommends that the City Council approve the FNBT tax abatement agreement.

Following staff's presentation, First National Bank Texas' President, Bobby Hoxworth, via video conference, gave a presentation on behalf of the bank.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-20-037. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Johnson in opposition.

RS-20-038 Consider a memorandum/resolution directing that a written service agreement be negotiated for voluntary annexation of approximately 5.811 acres of land lying contiguous to the existing city limits, along the north right-of-way of Chaparral Road, and approximately 310' east of the Heritage Oaks subdivision, Killeen, Texas.

Staff Comments: Tony McIlwain, Executive Director of Planning

The planning department has received a voluntary annexation petition from Gary Purser, Jr. The property is comprised of 5.811 acres and is located approximately 310' east of the Heritage Oaks subdivision. In accordance with Local Government Code section 43.0672 if City Council decides to consider annexation of an area, they must first negotiate and enter into a written service agreement for the provisions of municipal services in the area. Before the City Council moves to adopt an ordinance annexing an area, one public hearing must be conducted. Staff recommends that the City Council either: 1) elect not to annex the area, or 2) direct the City Manager to negotiate and execute a written service agreement that provides for the extension of full municipal services to the area requested to be annexed.

Motion was made by Councilmember Rivera to approve RS-20-038. Motion was seconded by Councilmember Nash-King. Motion carried 5 to 2 with Councilmember Harris and Councilmember Fleming in opposition.

RS-20-039 Consider a memorandum/resolution to enter into an interlocal agreement with OMNIA Partners purchasing cooperative.

Staff Comments: Jon Locke, Executive Director of Finance

In accordance with Texas Local Government Code, Section 271.102, Subchapter F, a local government may participate in a cooperative purchasing program which will satisfy any state law requiring the local government to seek competitive bids for the purchase of goods or services. An interlocal agreement with OMNIA Partners is necessary for continued access to the more than 300 contracts. Staff recommends that City Council approve the interlocal agreement with OMNIA Partners purchasing cooperative and authorize the City Manager or designee to execute the interlocal agreement and any supplemental agreement as allowed by state and local law.

Motion was made by Councilmember Menking to approve RS-20-039. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-20-040 Consider a memorandum/resolution authorizing maintenance and repair of HVAC equipment by The Brandt Companies, LLC. in an amount not to exceed \$274,279 in Fiscal Year 2020.

Staff Comments: Jon Locke, Executive Director of Finance

Building Services uses The Brandt Companies, LLC for the maintenance and repair of large complex chiller and boiler units. Some departments use The Brandt Companies, LLC for annual maintenance and inspection. City staff anticipates that HVAC maintenance and repair expenses with The Brandt Companies, LLC will be \$274,279 during fiscal year 2020. Staff recommends that City Council authorize the maintenance and repair of HVAC equipment by The Brandt Companies, LLC in an amount not to exceed \$274,279, in Fiscal Year 2020, and that the City Manager or designee be authorized to execute change orders as permitted by state and local law.

Motion was made by Councilmember Fleming to approve RS-20-040. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-20-041 Consider a memorandum/resolution awarding RFP 20-09 for Sports Officiating Services to FGM Sports in an amount not to exceed \$20,000 for Fiscal Year 2020.

Staff Comments: Joe Brown, Executive Director of Recreation Services

On December 29, 2019, and January 5, 2020, City of Killeen Recreation Services advertised RFP 20-09 for Sports Officiating services. One vendor submitted a proposal for the identified services. Staff has negotiated an agreement with FGM Sports for a term of one year with four automatic renewals. Staff recommends that City Council award RFP 20-09 for Sports Officiating Services to FGM Sports in an amount not to exceed \$20,000 for Fiscal Year 2020, and authorize the City Manager or designee to execute a one-year agreement with the option to renew for four (4) additional one-year terms, 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 Rivera to approve RS-20-041. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-20-042 Consider a memorandum/resolution authorizing the City Manager to enter into an Interlocal Agreement between the City of Killeen and the Central Texas Council of Governments (CTCOG), approving a contribution of additional funds from CTCOG for a Household Hazardous Waste (HHW) event.

Staff Comments: Danielle Singh, Executive Director of Public Works

The City of Killeen Recycling Operations Division hosts annual Household Hazardous Waste (HHW) events to provide residents a safe and legal means to dispose of a variety of caustic, corrosive, poisonous, and toxic materials commonly used in the home. Funding from the Central Texas Council of Governments (CTCOG) for the June 13, 2020 (this date is subject to change) event will allow the citizens from the seven county CTCOG region to participate. Under the Interlocal Agreement, CTCOG will contract for hazardous waste collection services for the

HHW event contributing up to \$15,000.00, and the City will reimburse CTCOG the difference between the dedicated amount and the total event cost up to \$45,000. Staff recommends that the City Council authorize the City Manager or his designee to execute an Interlocal Agreement between the City of Killeen and the Central Texas Council of Governments providing for a \$15,000.00, contribution of additional funds for a HHW event.

Motion was made by Councilmember Johnson to approve RS-20-042. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-20-043 Consider a memorandum/resolution awarding Bid No. 20-01 for a construction contract with Hawk Builders, LLC in the amount of \$302,400 to construct the Central Fire Station Dormitory Remodel project.
Staff Comments: Danielle Singh, Executive Director of Public Works
Central Fire Station dormitory remodel was approved in FY20 Capital Improvement Program. On March 25, 2020, bids were opened and read aloud for the construction works of Central Fire Station Dormitory Remodel. Two contractors submitted bids for this project. Funds are available in the current fiscal year for this proposed project. Staff recommends that the City Council authorize the City Manager or his designee to enter into a contract with Hawk Builders, LLC in the amount of \$302,400 for the Central Fire Station Dormitory Remodel 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 Mayor Pro Tem Kilpatrick to approve RS-20-043. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Menking, and unanimously approved, the meeting was adjourned at 7:38 p.m.