

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
May 13, 2014 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

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

Mayor Corbin read a proclamation honoring Officer Bobby Hornsby and Officer Charles “Chuck” Dinwiddie, fallen police officers. The proclamation proclaimed May 15<sup>th</sup> as Peace Officer Memorial Day.

Mayor Corbin gave the invocation, and Councilmember Segarra led everyone in the pledge of allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Blackstone to approve the agenda pulling CA-60 & CA-62 for separate consideration. Motion seconded by Councilmember Gilmore. The motion carried unanimously.*

### **Consent Agenda**

**CA-14-052** Consider minutes of Regular City Council Meeting of April 22, 2014.  
No Changes.

**CA-14-053** Consider a memorandum/resolution for approval of purchase exceeding \$50,000 for EMS Billing/EPCR Software and Implementation.

**Staff Comments:** Michael Mendiola

The IT Department is seeking approval to exceed \$50,000 (annual cost) in purchases from Zoll, Inc. for the purchase, implementation, and training of the new billing and EPCR software. Funds have been budgeted.

**CA-14-054** Consider a memorandum/resolution authorizing the City Manager to approve Phases 1 and 2 fiber installation projects being completed in collaboration with Bell County.

**Staff Comments:** Michael Mendiola

The IT Department is seeking approval authorizing the City Manager to complete Phases 1 and 2 of the fiber installation project in collaboration with Bell County.

This will extend the fiber link from CTC to TAMUCT (Phase 1) and from TAMUCT to the KPDHQ building (Phase 2). There are a total 144 strands of fiber. The city pays for 44 of those strands.

Funds for Phases 1 and 2 have been included in the FY13-14 budget.

**CA-14-055** Consider a memorandum/resolution approving a contract with G4S Technology LLC for Security System Upgrades at Killeen-Fort Hood Regional Airport.

**Staff Comments:** Matthew Van Valkenburgh

Staff has negotiated a contract with G4S Technology LLC for the procurement and installation of the Security System Upgrades in the amount of \$1,846,297.

**CA-14-056** Consider a memorandum/resolution appointing an independent auditor for the fiscal year ending September 30, 2014.

**Staff Comments:** Amanda Wallace

The engagement letter from Weaver LLP proposes to perform the audit for the fiscal year ending September 30, 2014 for a fee not to exceed \$98,000.

City staff as well as the Audit Committee recommends that Weaver LLP be engaged to perform the annual independent audit for the City of Killeen for the fiscal year ending September 30, 2014.

**CA-14-057** Consider a memorandum/resolution denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division under the company's 2014 Rate Review Mechanism filing, authorizing the City's participation in any appeal, and requiring Atmos to reimburse reasonable ratemaking expenses.

**Staff Comments:** Traci Briggs

Ms. Briggs gave a brief background of the procedure for rate increases. The RRM filing sought a \$45.7 million increase system wide. ACSC hired consultants to analyze and investigate the request and supporting documentation. They determined that a rate increase was justified, but that the requested rate increase was excessive. The ACSC Executive Committee, of which the City is a member, recommends denying the requested rate increase, authorizing the City to participate in any appeal, and requiring Atmos to reimburse the City for all reasonable ratemaking expenses.

**CA-14-058** Consider a memorandum/resolution authorizing Change Order No. 9 to the construction contract with James Construction Group, LLC for the US 190/FM 2410/Rosewood Drive project.

**Staff Comments:** Scott Osburn

Additional work is required to prevent slope slides during construction of the box culvert and embankment. The total cost of the change is a net increase of \$83,537.30; a 1.68% increase to the contract. Staff recommends that the City Council authorize the Change Order No. 9 to the construction contract with James Construction Group, LLC increasing the cost of the contract by \$83,537.30.

**CA-14-059** Consider a memorandum/resolution authorizing rental payment and the purchase of property adjacent to the City of Killeen Reservoir Tract generally located south

of Veterans Memorial Boulevard along Park Street from American Legion, Post #223.

**Staff Comments:** Scott Osburn

Mr. Osburn gave a brief background and history on this issue. City Staff believes that it would be in the City's best interest to purchase the encroached upon property and compensate the American Legion for the rental value of the property incurred over the last seven years. Following additional discussion with representatives of the American Legion, the American Legion is prepared to accept this proposal and execute and deliver a quick claim deed to the entirety of the property. The total fiscal impact associated with this action is \$5,899.00. Funds available in water fund.

**CA-14-061** Consider a memorandum/resolution for a Professional Services Agreement with Kimley-Horn and Associates, Inc., to develop Land Use Assumptions and Water, Wastewater, and Roadway Impact Fees in accordance with LGC Chapter 395, and to determine the viability of a Transportation Utility Fee.

**Staff Comments:** Scott Osburn

The project will include a determination of the viability of Transportation Utility and Transportation Utility Fee. The total project cost of the proposed professional services agreement is \$233,571.00.

Staff recommends that the City Council authorize the City Manager to execute an Agreement with Kimley-Horn and Associates, Inc., to develop land use assumptions and water, wastewater, and roadway impact fees, and to determine the viability of a transportation utility fee, and further authorize the City Manager to execute any change orders to the same Agreement within the amounts established by state and local law.

**CA-14-063** Consider a memorandum/resolution approving a Chapter 380 Agreement for Retail Economic Development and Performance Agreement with Northwest Tidwell, Ltd., for development of a retail center.

**Staff Comments:** John Crutchfield, President of the Greater Killeen Chamber of Commerce and Secretary of the KEDC

In 2013, the City and Greater Killeen Chamber of Commerce representatives entered into discussions with representatives from Northwest Tidwell, Ltd., regarding the proposed development of a multi-tenant retail development at the intersection of Bunny Trail and Stan Schlueter Loop. This project will provide retail service to an under-served part of the community.

Mr. Ford with Tidwell spoke briefly regarding the benefits and future developments following this project.

Staff recommends that City Council consider the Economic Retail Development Program and Performance Agreement.

*Motion was made by Councilmember Okray to approve Consent Agenda items CA-052 through CA-059, and CA-61 & 63. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried unanimously.*

PULLED FOR SEPARATE CONSIDERATION.

**CA-14-060** Consider a memorandum/resolution for a City/Owner Agreement to extend a 15-inch diameter gravity sanitary sewer interceptor through the Heritage Oaks, Phase One Subdivision.

**Staff Comments:** Scott Osburn

Public Works/Engineering staff evaluated the ultimate contributing wastewater drainage basin that would flow through the proposed Heritage Oaks, Phase One Subdivision gravity interceptor and discharge to the existing 30-inch diameter Eastside Gravity Interceptor, and identified a need to over-size a portion of the developer's gravity sanitary sewer infrastructure for public benefit.

The attached City/Owner Agreement reflects the cost to construct 2,766 linear feet of 15-inch diameter gravity interceptor at a cost of \$161,455.69 for the over-sized construction.

*Motion was made by Mayor Pro-Tem Blackstone to approve CA-60. Motion was seconded by Councilmember Segarra. Motion carried 6 to 1 with Councilmember Okray in opposition.*

**CA-14-062** Consider a memorandum/resolution confirming the City Manager's annual evaluation and pay increase.

**Staff Comments:** Mayor Corbin

The Mayor and City Council conducted the City Manager's annual evaluation on April 22, 2014. After the evaluation, City Council reached a consensus that a 4% pay increase should be made to the City Manager's annual salary effective May 1, 2014. The 4% constitutes a 2% merit increase he turned down last year and a 2% increase this year.

Councilmember Okray stated he was in the minority of council regarding pay raise, but is in agreement with the opinion of the City Manager's performance.

Councilmember Harris agrees with a 2% pay increase, but not a 4% increase. Councilmember Harris agrees that the City Manager is doing a good job.

*Motion was made by Councilmember Gilmore to approve CA-062 giving the City Manager a 4% merit raise. Motion was seconded by Councilmember Segarra. Motion carried 5 to 2 with Councilmember Okray and Councilmember Harris in opposition.*

### **Public Hearings / Ordinances**

**PH-14-032A** HOLD a public hearing and consider an ordinance amending the FY 2013-14 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Police Department State Seizure account.

The City Secretary read the caption of the Ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY RELEASING FUNDING FOR AN**

**INCREASE IN THE POLICE DEPARTMENT ACCOUNTS TOTALING \$54,400; PROVIDING SUFFICIENT FUNDING FOR THE PROCUREMENT OF FNH USA FN-15 RIFLES AND ACCESSORIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.**

**Staff Comments:** Chief Baldwin

The available funding in the 2013 Jag grant is not sufficient to complete the procurement and additional funds are required from the State Seizure Account in the amount of \$82,057.

Staff recommends that the City Council approve the attached Ordinance to amend the FY 2013-2014 Police Department funds budgeted in the State Seizure account Capital Outlay/equipment by \$54,400 for the procurement of FNH USA Fn-15 rifles and accessories.

**PH-14-032B** Consider a memorandum/resolution for the acquisition of police rifles/carbines through state cooperative, TK Tactical, for the police department.

**Staff Comments:** Chief Baldwin

A credit for trade-in of seized and/or retired weapons is being utilized to supplement this acquisition by \$80,000. The total acquisition cost of this package is \$122,125 (\$202,125 - \$80,000) and will not exceed available funding.

The Staff recommends the acquisition of 231 police rifle/carbine packages acquired from TK Tactical utilizing the State of Texas Purchasing Cooperative for \$122,125.

Mayor Corbin opened the public hearing for both items. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-032A. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

*Motion was made by Councilmember Okray to approve the resolution in PH-032B. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

**PH-14-033A** HOLD a public hearing and consider an ordinance amending the FY 13-14 City of Killeen Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Court Technology Fund for the procurement of a court case management system to include but not limited to software, hardware, training, migration of data, and setup.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING ACCOUNT 240-0000-417.61-35 CAPITAL OUTLAY/EQUIPMENT IN THE CITY OF KILLEEN COURT TECHNOLOGY FUND IN THE AMOUNT OF \$347,519; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE;**

**PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**PH-14-033B** Consider a memorandum/resolution for the procurement of a court case management system to include but not limited to software, hardware, training, migration of data, and setup.

**Staff Comments:** Luevada Posey

The current software does not incorporate the efficiency and flexibility needed in a high volume environment. In order to make this purchase, a budget transfer is necessary. Upon approval of the respective budget amendment, funds in the amount of \$347,519 will be available in the Court Technology Fund Equipment Account.

Three systems were reviewed and provided quotes: Tyler Technologies, New Dawn Technologies, and Syscon. Of the three case management software systems that were reviewed, Tyler Technologies offered the most efficient model. Funds in the amount of \$334,063.00 are available to purchase the criminal court case management system and to fund travel expenses in the amount of \$13,456 in the Court Technology Fund Equipment Account. Staff recommends the Killeen Municipal Court of Record be authorized to expend funds from the Court Technology Fund Equipment Account in order to purchase Incode Court Case Management from Tyler Technologies in the FY 13-14 Budget.

Mayor Corbin opened the public hearing on both items. With no one appearing the public hearing was closed.

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-033A. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

*Motion was made by Councilmember Clark to approve Resolution PH-033B. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

**PH-14-034A** HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' to 'Residential-Commercial Mix' for approximately 8.22 acres located on the east right-of-way of Old FM 440, Killeen, Texas. The property is platted as Gentle Grove Addition, Phase III.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL COMMERCIAL' TO 'RESIDENTIAL-COMMERCIAL MIX' FOR 8.22 ACRES OF LAND LOCATED ALONG THE EAST RIGHT-OF-WAY OF OLD FM 440, ACROSS FROM ANNA LEE DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**PH-14-034B** HOLD a public hearing and consider an ordinance requested by Bok Suk Baldwin (Case #Z14-11) to rezone Lots 1-16, Block 1, Gentle Grove Addition, Phase III, from B-2 (Local Retail District) and B-5 (Business District) to R-2 (Two-Family Residential District). The applicant is rezoning the property to develop 16 lots for duplex use. The property is located east of Old FM 440, across from Anna Lee 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-2 (LOCAL RETAIL DISTRICT) AND B-5 (BUSINESS DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff Comments:** Ray Shanaa

This is a request to revise the Comprehensive Plan's Future Land Use Map (FLUM) to change an 8.22 acres parcel from a 'General Commercial' designation to a 'Residential-Commercial Mix' designation. The Planning and Zoning Commission recommended approval of amending the FLUM from 'General Commercial' to 'Residential-Commercial Mix' for this area with a vote of 8 to 0.

The staff notified seventeen (17) surrounding property owners regarding this request. Staff received no response.

Mayor Corbin opened the public hearing on both items.

Mrs. Baldwin - Property owner, spoke in favor of rezoning.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-034A. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

*Motion was made by Councilmember Segarra to approve PH-034B. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-14-035A** HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Reimbursement Resolution Thoroughfare Plan expenditure account by \$165,563 for the 2014 Thoroughfare Plan Update project.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND BUDGET BY \$165,563 IN THE REIMBURSEMENT RESOLUTION THOROUGHFARE PLAN ACCOUNT TO FUND THE PROFESSIONAL SERVICES AGREEMENT FOR THE 2014 THOROUGHFARE PLAN UPDATE PROJECT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS**

**ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**PH-14-035B** Consider a memorandum/resolution for a professional services agreement with Alliance Transportation Group, Inc., for the 2014 Thoroughfare Plan Update.

**Staff Comments:** Scott Osburn

With the approval of this budget amendment, the General Fund Budget for FY 2013-2014 will be revised to reflect an increase in expenses of \$165,563 in the Reimbursement Resolution Thoroughfare Plan Account.

Alliance Transportation Group, Inc. has submitted a professional services agreement. City staff recommends that the City Council authorize the City Manager to enter into an agreement with Alliance Transportation Group, Inc. for the 2014 Thoroughfare Plan Update in the amount of \$165,562.43.

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

*Motion was made by Councilmember Clark to approve PH-035A. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

*Motion was made by Councilmember Clark to approve PH-035B. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-14-036A** HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Reimbursement Resolution Killeen-Fort Hood Regional Trail account by \$270,000 for the Killeen-Fort Hood Regional Trail Segment 3 project.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND BUDGET BY \$270,000 IN THE REIMBURSEMENT RESOLUTION KILLEEN-FORT HOOD REGIONAL TRAIL SEGMENT 3 EXPENDITURE ACCOUNT TO FUND THE PROFESSIONAL SERVICES CONTRACT FOR THE KILLEEN-FORT HOOD REGIONAL TRAIL SEGMENT 3; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**PH-14-036B** Consider a memorandum/resolution for a professional services contract with Halff Associates, Inc. for the design of the Killeen-Fort Hood Regional Trail Segment 3.

**Staff Comments:** Scott Osburn

The proposed amendment would provide sufficient funds to cover the Halff Associates, Inc. engineering fees, including services for surveying, Storm Water Pollution Prevention Plan, and final design costs, on the Killeen-Fort Hood Regional Trail Segment 3 project.

Segment 3 of the regional trail, a 1.35 mile section from Watercrest Road to West Elms Road running along the South Nolan Creek residential section, is the portion included in this project proposal. Staff recommends that the City Council authorize the City Manager to enter into an agreement with Halff Associates, Inc., for a professional engineering services agreement for the design of Killeen-Fort Hood Regional Trail Segment 3, in the amount of \$270,000.

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

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-036A. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

*Motion was made by Councilmember Gilmore to approve PH-036B. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

## **Ordinances / Resolutions**

**OR-14-015** Consider an ordinance amending Chapter 2 (Article VI. Fees.) and Chapter 26 (Subdivision and Property Development Regulations) of the City of Killeen Code of Ordinances establishing a public infrastructure re-inspection fee, amending various sections of Chapter 26, and adopting details and specifications to be included within the City's Infrastructure Design and Development Standards Manual.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTER 2 AND CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 2 TO INCLUDE A RE-INSPECTION FEE; AMENDING CHAPTER 26 TO AMEND THE INFRASTRUCTURE DESIGN AND DEVELOPMENT STANDARDS MANUAL; AMENDING VARIOUS SECTIONS OF CHAPTER 26 AS A HOUSEKEEPING MATTER TO ENSURE CONSISTENCY WITH NEW PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff Comments:** Scott Osburn

The proposed ordinance and IDDSM sections address the need to standardize specifications and details relating to public infrastructure within the City and further address input provided by staff and the stakeholders' group.

City Staff recommends that the City Council adopt the proposed ordinance amending Chapter 2 (Article VI. Fees.) and Chapter 26 (Subdivision and Property Development Regulations) Code of Ordinances to establish a public infrastructure re-inspection fee, amend various sections of Chapter 26, and adopt details and specifications to be included within the City's Infrastructure Design and Development Standards Manual.

*Motion was made by Councilmember Okray to approve OR-015. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

**OR-14-016** Consider a resolution to authorize proceeding with issuance of Certificates of Obligation and directing the Publication of Notice of Intention to Issue City of Killeen, Texas Combination Tax and Revenue Certificates of Obligation.

**Staff Comments:** Martie Simpson

The City of Killeen has identified approximately \$20,000,000 in projects relating to general government activities. These projects include constructing, improving and repairing city fire facilities and community service facilities as well as various street projects. In order to fund these projects, the remaining 2002 General Obligation debt will be issued during the 2013-2014 fiscal year. In addition, Certificates of Obligation debt in the amount of \$13,950,000 will be issued. Mr. Dan Wegmiller w/Specialized Public Finance gave a brief overview of his firms' responsibility regarding this process.

Staff recommends that the resolution authorizing the city manager and city staff to proceed with the issuance of Certificates of Obligation and publication of notice of intention to issue City of Killeen Combination Tax and Revenue Certificates of Obligation be approved.

*Motion was made by Councilmember Gilmore to approve OR-016. Motion was seconded by Councilmember Okray. Motion carried unanimously.*