

City of Killeen
Regular City Council Meeting
Killeen City Hall
May 24, 2016 at 5:00 p.m.

Presiding: Mayor Jose Segarra

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

Absent: Juan Rivera

Also attending were Interim City Manager Lillian Ann Farris, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Garland Hennig.

Jose Purgos gave the invocation, and Councilmember Johnson led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Kilpatrick. The motion carried 5 to 0.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the May 10th Regular City Council meeting. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 5 to 0.

Motion was made by Councilmember Okray to approve the minutes of the May 17th Special Called City Council meeting. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.

Resolutions

RS-16-054 Consider a memorandum/resolution for a mutual aid agreement with Department of the Army for Fort Hood, Texas, for emergency medical services with Carl R. Darnall Medical Center.

Staff comments: Kenneth Hawthorne

Mutual aid agreements supply the fire departments and EMS services with additional resources when a single incident or multiple incidents deplete all resources from any one entity. Staff recommends that the City Council give their approval for the City Manager to sign the Fire and EMS Mutual Aid Agreement with The Department of the Army for Ft. Hood, Texas. This is an update to the current agreement.

Motion was made by Councilmember Johnson to approve RS-16-054. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.

RS-16-055 Consider a memorandum/resolution authorizing the procurement of pistol and rifle ammunition for the Police Department.

Staff comments: Chief Baldwin

The Staff recommends concurrence by Council with the acquisition of 298 cases of police pistol and rifle ammunition acquired from GT Distributors, through Texas State Contract and State Buy Board for \$90,271.

Motion was made by Councilmember Fleming to approve RS-16-055. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 5 to 0.

RS-16-056 Consider a memorandum/resolution approving a professional services contract with Garver, LLC, for the design, bidding, and construction support of a Runway End Identifier Light (REIL) system at Skylark Field.

Staff comments: Matt Van Valkenburgh

Staff has negotiated a professional services contract with Garver, LLC to perform the professional services associated with the design, bidding, and construction support for the REIL system. Staff recommends City Council authorize the City Manager to execute a professional services contract with Garver, LLC, in the amount of \$36,904.00 and that it expressly authorize the City Manager to execute any and all change orders or supplemental agreements within the amounts set by state and local law.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-056. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.

RS-16-057 Consider a memorandum/resolution for the Texas Water Development Board Grant Application for the Nolan Creek Regional Flood Protection Master Plan project.

Staff comments: Kristina Ramirez

Staff recommends the Council approve the submission of a TWDB Flood Protection Planning Grant application for the Nolan Creek Regional Flood Protection Master Plan project and authorize the City Manager to execute all documents and agreements associated with the grant application.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-057. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.

Ordinances

OR-16-007 Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy, Corp., Mid-Tex Division, regarding the 2016 Rate Review Mechanism Filing and adopting new rate tariffs.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED

IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

Staff comments: Traci Briggs

The monthly increase for each category of customers is \$1.26 for residential and \$3.81 for commercial. Staff and the ACSC Executive Committee recommend approving the attached ordinance authorizing the settlement and new rate tariffs.

Motion was made by Councilmember Kilpatrick to approve OR-16-007. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.

Public Hearings

PH-16-014 HOLD a public hearing and consider an ordinance by Abdul Khan to rezone Lot 1, Block 1, Wassay Addition Section I, from "CD" (Cemetery District) with a Conditional Use Permit (CUP) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for a Dollar General retail store. The property is locally known as 10752 S. Fort Hood Street, Killeen, Texas. (Requires a three-fourths (3/4) majority vote.)

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) 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 staff notified three (3) surrounding property owners within a 200' notification boundary. Staff has received one response in opposition from Whitis Land Investments. This opposition amounts to 38% of the area within the 200 feet notification boundary. As such, approval of the applicant's zoning request will require a favorable vote of three-fourths (3/4) of all the members of the City Council.

The Planning and Zoning Commission recommended approval of the applicant's Conditional Use Permit (CUP) by a vote of 4 to 2 to allow for a 9,100 square feet Dollar General retail store with the following conditions:

- The building's exterior design shall be consistent with the submitted architectural elevation;
- There shall be a 100% limestone façade on the north elevation of the building to include the northwest main entrance, with 100% brick façade for the remaining three elevations; the brick shall match the limestone in color;
- The applicant shall plant 25 trees, half of which shall be of a large canopy species, with the majority of the tree placement occurring along the S.H. 195 and Splawn Road frontage; and
- The applicant shall plant 96 shrubs on the site.

Mayor Segarra opened the public hearing.

Bob Gage with DBT Realty - Mr. Gage feels he has gone above and beyond to comply with the city's requests and that the Veterans Land Board is agreeable with the plan.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Johnson to approve PH-16-014. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Kilpatrick, and unanimously approved, the meeting was adjourned at 5:39 p.m.