

City of Killeen
Regular City Council Meeting
Killeen City Hall
April 27, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Shirley Fleming (via video conference), Councilmembers Debbie Nash-King, Terry Clark, Steve Harris, Ken Wilkerson, Rick Williams, and Mellisa Brown.

Also attending were City Manager Kent Cagle, City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Councilmember Nash-King gave the invocation. Councilmember Brown led everyone in the Pledge of Allegiance.

Approval of Agenda

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

Citizen Comments

Mr. Nick Bezzel spoke in support of Agenda Item OR-21-006.
Ms. Catherine Henderson spoke in opposition of Agenda Item RS-21-054 and in support of Agenda Item OR-21-006.
Mr. Garrick Gates spoke in opposition of Agenda Item RS-21-054.
Ms. Holly Teel spoke in support of Agenda Item OR-21-006.
Ms. TaNeika Moultrie spoke in support of Agenda Item OR-21-006.
Mr. Melvin Brown spoke in support of Agenda Item OR-21-006.
Mr. John Wilkerson spoke in opposition of Agenda Item OR-21-006.
Ms. Jumeka Reed spoke in support of Agenda Item OR-21-006.
Mr. Leo Gukeisen spoke in opposition of Agenda Item OR-21-006.
Mr. Jordon Gutierrez spoke in support of Agenda Item OR-21-006.

Consent Agenda

- MN-21-010** Consider Minutes of Regular City Council Meeting of April 13, 2021.
- RS-21-052** Consider a memorandum/resolution amending Resolution 21 017, authorizing a lease for three (3) mowers to maintain parks and city facilities.
- RS-21-053** Consider a memorandum/resolution authorizing the procurement of Cohesity Backup and Recovery in the amount of \$128,369.60.
- OR-21-005** Consider an ordinance amending the Code of Ordinances by repealing Chapter 16, Article VI, Possession of Tobacco.

The City Secretary read the caption of the ordinance.
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KILLEEN BY REPEALING CHAPTER 16, ARTICLE VI, POSSESSION OF TOBACCO; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Motion was made by Councilmember Nash-King to approve the consent agenda. Motion was seconded by Councilmember Brown. Motion carried unanimously.

Resolutions

RS-21-055 Consider a memorandum/resolution approving amendments to the Economic Development Policy.

Staff Comments: Tony McIlwain, Executive Director of Development Services. The Economic Development Policy provides that City Council shall review the policy annually to ensure its ongoing relevance. Per the Council's motion of direction during their workshop meeting on April 20th, the amended policy contains updated text in Section 3-60; Economic Development Partners' Roles and Expectation and minor text amendments under Division 5, Section I and K: Enterprise Zones and Development Agreements and Appendix I: Funding options. City staff recommends that the City Council approve the amendments to the Economic Development Policy as presented.

Motion was made by Mayor Pro Tem Fleming to approve RS-21-055. Motion was seconded by Councilmember Wilkerson. Motion carried unanimously.

RS-21-054 Consider a memorandum/resolution authorizing the purchase of duty pistols, police equipment and ammunition from GT Distributors, Inc. in an amount not to exceed \$158,542.53.

Staff Comments: Charles Kimble, Police Chief. The Killeen Police Department has owned and issued the Sig Sauer P320 pistol as its standard duty sidearm for approximately five years. There is an unresolved potential safety issue with that particular pistol that may cause it to discharge unintentionally. In order to ensure the safety of our citizens and officers, the department is seeking to replace the pistol with a proven design. The purchase will also include new holsters and magazine pouches and 500 training rounds of ammunition. City staff recommends that City Council approve the City Manager or his designee to be authorized to execute the described purchase of police duty weapons, duty gear and ammunition from GT Distributors, Inc. through the TASB BuyBoard and TXMAS Buyboard purchasing cooperatives, in an amount not to exceed \$158,542.53 in the current fiscal year.

Motion was made by Mayor Pro Tem Fleming to approve RS-21-054 with the addition of approving funds in the amount of \$23,136.00 to be spent on police officer overtime and training. Motion was seconded by Councilmember Nash-King. Following discussions, Councilmember

Nash-King made a motion calling for the vote. Councilmember Clark seconded the motion. The call for the vote carried unanimously. Motion carried 6 to 1 with Councilmember Brown in opposition.

Ordinances

OR-21-004 Consider an ordinance amending the Code of Ordinances Chapter 8, Building and Construction Regulations, to adopt donation container standards.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S BUILDING AND CONSTRUCTION REGULATIONS; ADOPTING DONATION CONTAINER STANDARDS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Development Services. The proposed ordinance is to establish standards and regulations for new and existing donation containers within the City limits with the goal of preventing the unsightly accumulation of debris surrounding donation container boxes. It will require the owner or operator of a donation container box to obtain a permit prior to locating a donation container within city limits. In order to obtain a permit for a donation container box, the owner or operator must be a nonprofit 501(c)(3) organization located within the City of Killeen. In addition to requiring a permit, the proposed ordinance places limitations on the placement, construction, and maintenance of donation container boxes. The Planning & Zoning Commission recommended approval of the ordinance by a vote of 4 to 2. City staff recommends City Council approve the ordinance amending the Code of Ordinances Chapter 8, Building and Construction Regulations.

Motion was made by Councilmember Brown to approve OR-21-004. Motion was seconded by Councilmember Williams. Motion carried unanimously.

OR-21-006 Consider an ordinance amending the Code of Ordinances Chapter 22, Police, to prohibit no-knock warrants.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S POLICING STANDARDS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Charles Kimble, Police Chief.

In 2020, incidents throughout the nation forced police departments to re-examine several policies, including the execution of no-knock warrants. On June 16, 2020, the Chief of Police and the Executive Staff of the Police Department developed a

Police Reform package that changed policy and procedures regarding use of force, choke holds, requesting medical treatment for arrestees, accountability, transparency and use of no-knock warrants. In summary, the reform package has eliminated no-knock warrants for narcotic only cases, and a very high threshold for non-narcotic exceptions must be met only after a presentation to the Chief of Police or an Assistant Chief of Police. The Killeen Police Department has adjusted its tactics that no-knock warrants are no longer an option. The City of Killeen drafted an ordinance revising Article IV Chapter of the City of Killeen Code of Ordinance.

Motion was made by Councilmember Nash-King to approve OR-21-006. Motion was seconded by Councilmember Brown. Following discussions, Councilmember Nash-King made a motion calling for the vote. Councilmember Williams seconded the motion. The call for the vote carried 5 to 2 with Councilmember Clark and Councilmember Harris in opposition. Motion carried 6 to 1 with Councilmember Harris in opposition.

Public Hearings

PH-21-019 HOLD a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City of Killeen to increase revenues and expenditures in multiple operating, special revenue, and 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 2021 ANNUAL BUDGET OF THE CITY OF KILLEEN TO INCREASE REVENUES AND EXPENDITURES IN MULTIPLE OPERATING, SPECIAL REVENUE, AND CAPITAL IMPROVEMENT PROJECT FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Jon Locke, Executive Director of Finance.

City staff monitors financial activity and forecasts yearend results to ensure compliance with the budget approved by City Council. This process assists in identifying accounts that may require a budget amendment during the fiscal year. Several funds have been identified as needing a mid-year budget amendment and are outlined in the ordinance. City staff recommends city council approve the ordinance amending the FY 2012 annual budget.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Nash-King to approve PH-21-019. Motion was seconded by Mayor Pro Tem Fleming. Motion carried unanimously.

Adjournment

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With no further business, upon motion being made by Councilmember Williams, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 6:33 p.m.