

City of Killeen
Regular City Council Meeting
Killeen City Hall
July 10, 2018 at 5:00 p.m.

Presiding: Mayor Pro Tem Jim Kilpatrick

Attending: Councilmembers Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming, Debbie Nash-King, and Steve Harris (arrived at 5:05 p.m.)

Also attending were City Manager Ronald L. Olson, Deputy City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Absent: Mayor Jose L. Segarra

Pastor Jimmy Towers gave the invocation, and Ms. Holly Teel led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Councilmember Fleming to approve the agenda as written. Motion seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Councilmember Menking to approve the minutes of the June 26, 2018 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-18-051 Consider a memorandum/resolution authorizing the award of Bid No. 18-14 Killeen City Hall Council Chambers Remodel Project.
Staff Comments: Leslie Hinkle, Executive Director of Community Development.
On February 20, 2018, City Council directed staff to move forward with the remodel of council chambers. The project was advertised for bids on April 29 and May 6. Bids were opened and read aloud on May 17, 2018. Four general contractors submitted bids. After review of the submitted bids, the architect noted inconsistencies in the bids and has recommended the elimination of the audio and visual components and to move forward with developing a separate request for proposals for this portion of the work. Staff recommends that the City Council authorize the City Manager to enter into an agreement with Mitchell Construction for the remodel of the Killeen City Hall Council Chambers in the amount of \$277,407.43 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 Councilmember Fleming to approve RS-18-051. Motion was seconded by Councilmember Nash-King. Motion carried 5 to 1 with Council Member Johnson in opposition. Although in favor of the need for upgrades to the technology, his concerns lie with the actual construction of the remodel and the condition/age of the building.

- RS-18-052** Consider a memorandum/resolution authorizing a lease agreement for mowing equipment for Parks and Public Grounds.
Staff Comments: Brett Williams, Executive Director of Community Services. City staff solicited pricing from three vendors through the TASB BuyBoard. Procurement through a purchasing cooperative satisfies the state law bidding requirements and city policy. Staff recommends City Council authorize the City Manager to execute a contract with Professional Turf Products, L.P./PNC Equipment Finance, LLC for the lease of mowing equipment for parks and public grounds in the amount of \$113,828.76, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Rivera to approve RS-18-052. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

- RS-18-053** Consider a memorandum/resolution to enter into a Memorandum of Understanding with the United States Marshals Service.
Staff Comments: Commander Jeff Donohue, Police Department. The Killeen Police Department has partnered with other law enforcement agencies from the State and Federal level in order to be more effective in combating crime and making our community safe. These programs have been very useful and require that one officer be selected as a representative to coordinate and work directly with the entity. The Police Department currently has a partnership with the Drug Enforcement Agency (DEA) and the Federal Bureau of Investigation (FBI). The US Marshals Service (USMS) has offered a similar partnership with our agency in order to assist the department in fighting crime and locating wanted fugitives. By participating in the USMS Violent Offender Task Force, the police department will receive improved access to their assets such as intelligence, personnel, and forensic equipment. The Agreement allows for the USMS to reimburse the City for any overtime that is directly related to the selected officer working with the Task Force. In addition, it allows for an unmarked car for the officer at no cost to the City. Staff recommends City Council approve the Memorandum of Understanding with the United States Marshals Service and authorize the City Manager, or his designee, to execute the agreement.

Motion was made by Councilmember Nash-King to approve RS-18-053. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

- RS-18-054** Consider a memorandum/resolution to enter into a Memorandum of Understanding with the Central Texas College Police Department.

Staff Comments: Commander Jeff Donohue, Police Department.

In accordance with the Texas Education Code, Section 51.203, Campus Police Officers; Central Texas College employs commissioned peace officers under the requirements of the Texas Commission on Law Enforcement. The Killeen Police Department and the Central Texas College Police Department wish to enter into a Memorandum of Understanding outlining communication and coordination of efforts between the two law enforcement agencies. The Central Texas College will have primary jurisdiction for the provision of all police services, except as otherwise specified in the Memorandum of Understanding, on property owned, leased, rented or under the control of Central Texas College District. This agreement plans for a coordinated response to major incidents as well as daily operations and includes, but is not limited to, use of radio communications, requests for investigative or uniform assistance, and jail procedures. Staff recommends that the City Council approve the Memorandum of Understanding with Central Texas College Police Department and authorize the City Manager, or his designee, to execute the agreement.

Motion was made by Councilmember Johnson to approve RS-18-054. Motion was seconded by Councilmember Menking. Motion carried unanimously.

RS-18-055 Consider a memorandum/resolution dissolving five Ad Hoc Council Committees.

Staff Comments: Traci Briggs, Deputy City Attorney.

During 2016 and 2017, five (5) ad hoc council committees were created: Water/Sewer/Drainage, Downtown Development, Transportation, Solid Waste Outsourcing and Management Audit Advisory. The City's Governing Standards and Expectations, Sec. 3-10(d), provides that an ad hoc committee should have a specific, temporary task and a sunset deadline. Further, the committee ceases after the specific purpose for which it was created is accomplished or on the sunset date, whichever is earlier. The Solid Waste Outsourcing and Management Audit Advisory ad hoc committees have accomplished the purposes for which they were created and the three remaining ad hoc committees have not been assigned specific, temporary tasks and sunset deadlines and are therefore not in conformance with the current Governing Standards. Staff recommends that the Council dissolve the Water/Sewer/Drainage, Downtown Development, Transportation, Solid Waste Outsourcing and Management Audit Advisory ad hoc committees.

Motion was made by Councilmember Fleming to amend RS-18-055 dissolving the Solid Waste Outsourcing and Management Audit Advisory ad hoc committees and to maintain the Water/Sewer/Drainage, Downtown Development, and Transportation ad hoc committees. Motion was seconded by Councilmember Johnson.

Mayor Pro Tem Kilpatrick opened the floor for discussions allowing Mr. Jack Ralston, 408 Yates Road, to express his support of maintaining the ad hoc committees.

Following discussions, Councilmember Johnson rescinded his second and with Councilmember Fleming's motion still on the table and without a second, the motion died. Motion was made by Councilmember Nash-King to approve RS-18-055 as presented (dissolving all five ad hoc committees) and to further add an agenda item to the Workshop meeting that would be held in three weeks to discuss Councilmember Fleming's request to create standing committees instead of ad hoc committees for Water/Sewer/Drainage, Downtown Development and Transportation. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Public Hearings

PH-18-015 Hold a public hearing and consider an ordinance adopting the 2018-2019 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (2nd of 2 Public Hearings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2018-19 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$980,404 IN FY 2018-19 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR AND CURRENT YEAR PROGRAM INCOME AND REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$1,004,950.45 OF CDBG FUNDS; AND THE APPLICATION FOR AND ALLOCATION OF \$438,678 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF CURRENT AND PRIOR YEAR PROGRAM INCOME, FY 2018-19 ANTICIPATED PROGRAM INCOME AND REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$642,828.73 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Comments: Leslie Hinkle, Executive Director of Community Development The City of Killeen will receive \$980,404.00 from the U.S. Department of Housing and Urban Development (HUD) for FY 2018-2019 CDBG program activities. Two community planning meetings were held February 8 and 21, 2018, resulting in identification and prioritization of housing and community needs. Funding applications were submitted by the deadline date of March 30, 2018, and were presented to the Community Development Advisory Committee (CDAC) on May 2, 2018. CDAC Representative, Ashley Whitworth briefed City Council on the applicants' requests vs. CDAC's recommendations. City staff recommends that City Council hold the second of two public hearings and approve the 2018-19 Community Development Action Plan with revisions as appropriate based on citizen comments received during the 30-day comment period and public hearing.

Mayor Pro Tem Kilpatrick opened the public hearing.

Patsy Bracey, 1301 Leader Drive – spoke in favor of the request, specifically in regards to the consideration of supporting the senior center.

With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Johnson to approve PH-18-015. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-18-016 Hold a public hearing and consider an ordinance requested by the Bell Thoms Group, Inc. (Case #Z18-10) to rezone Lot 1, Block 1, Urban Air Amended, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District) to allow for on-premises alcohol beverage service. The property is locally known as 2102 Jennifer 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-5” (BUSINESS DISTRICT) TO “B-C-1” (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, City Planner

Staff notified the seventeen (17) surrounding property owners that own land within 200 feet of the subject site regarding this request. No protests were received. The Planning and Zoning Commission recommended approval of the rezone request from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District) by a vote of 4 to 0, with Commissioner Kim abstaining. There are no existing churches, public/private school or public/private hospitals within 300 feet of the subject site as measured utilizing the standard articulated in TABC Section 109.33.

Following staff comments, Councilmember Menking inquired if the rezone request is approved, would the identification of B-C-1 (General Business and Alcohol Sales District) remain if the business shut down or folded allowing for someone to purchase the property and open another form of business (such as a night club) without council approval. Mr. McIlwain confirmed that yes, the zoning would remain.

Mayor Pro Tem Kilpatrick opened the public hearing.

Mellisa Brown, 6105 Melanie Drive – spoke against the request, expressing concerns of mixing alcohol and adrenalin type activities (trampolines, rock wall climbing, etc.) in the proposed environment.

Kandy Bell with the Bell Thoms Group – spoke in favor of the request, she explained the safeguards that are put in place at Urban Air Amended to prevent anyone that has consumed alcohol from participating in the physical activities available at the center. Ms. Bell further explained that Urban Air Amended alcohol sales in other locations are less than 5% of gross sales.

Holly Teel, 1704 Hooten Street – spoke against the request, she identified that although safeguards are put in place in the establishment, not all staff and patrons will follow the rules and

there is the potential for an individual that had been consuming alcohol to be allowed into the area where they should be prohibited from entering.

With no one else appearing, the public hearing was closed.

Deputy City Attorney Traci Briggs reminded City Council that the item before them for consideration is a land use item and not a business model item.

Motion was made by Councilmember Rivera to approve PH-18-016. Motion was seconded by Councilmember Johnson. Motion carried 4 to 3 with Mayor Pro Tem Kilpatrick voting in favor (breaking the tie), with Councilmembers Nash-King, Fleming and Menking in opposition.

PH-18-017 Hold a public hearing and consider an ordinance requested by the Margaret Dorothy Stefek Marital Trust (Case #Z18-11) to rezone Lot 17, Block 1, Stefek Trust Addition, Phase Four, from “B-5” (Business District) to “R-2” (Two-Family Residential District). The property is addressed 700 Stefek 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-5” (BUSINESS DISTRICT) TO “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, City Planner

Staff notified twenty (20) surrounding property owners regarding this request. Staff received one protest from Mr. Harry Simon, the owner of 601 Sladeczek Drive, Killeen, Texas. Staff also received one response of support from Ms. Muriel V. Haynes, the owner of 511 Deloris Drive, Killeen, Texas. The Planning and Zoning Commission recommended approval of the applicant’s “R-2” zoning request by a vote of 5 to 0. This property is approximately 1.24 acres in size and rezoning it back to “R-2” will allow the entry to the existing residential subdivision to remain compatible with the rest of the residential land uses observed along Sladeczek Drive.

Mayor Pro Tem Kilpatrick opened the public hearing.

Mellisa Brown, 6105 Melanie Drive – spoke against the request, suggesting commercial growth of the area instead of additional residential buildings.

Robert Stefek, 3800 S. WS Young, Suite 102– spoke in favor of the request. As the owner of the property, Mr. Stefek explained the history of the zoning from R-2 to B-5 and his request to rezone back to R-2.

With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-18-017. Motion was seconded by Councilmember Johnson. Motion carried 5 to 1 with Councilmember Nash-King in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Harris, and unanimously approved, the meeting was adjourned at 6:29 p.m.

Jim Kilpatrick, Mayor Pro Tem

Lucy C. Aldrich, City Secretary