

City of Killeen
Regular City Council Meeting
Killeen City Hall
April 14, 2020 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick (via video conference), Councilmembers Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming (via video conference), Debbie Nash-King (via video conference) and Steve Harris.

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

Councilmember Menking gave the invocation; and Councilmember Harris led everyone in the Pledge of Allegiance.

Approval of Agenda

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

Citizens Comments

No citizens signed up to speak.

Councilmember Requests for Future Agenda Items

*Mayor Segarra moved agenda item RQ-20-002 to the end of the agenda.

Minutes

Motion was made by Councilmember Menking to approve the minutes of the March 24, 2020 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-20-021 Consider a memorandum/resolution to accept the annual audit report for the fiscal year ended September 30, 2019.
Staff Comments: Jon Locke, Executive Director of Finance
Mr. Locke introduced Mr. Robert Belt (via video conference) with Belt Harris Pechacek who presented the annual audit report for the fiscal year ended September 30, 2019 with no significant findings. Staff recommends that the City Council accept the annual audit report for the fiscal year ended September 30, 2019.

Motion was made by Councilmember Rivera to approve RS-20-021. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-20-022 Consider a memorandum/resolution to approve the Killeen Arts Commission rule changes effective for the fiscal year 2021 grant cycle.

Staff Comments: Jon Locke, Executive Director of Finance

This item was table from March 24, 2020. Staff recommends City Council approve the Killeen Arts Commission rule changes effective for the fiscal year 2021 grant cycle. Councilmember Johnson requested that the following amendments be considered by City Council prior to adopting the proposed Killeen Arts Commission rules:

- Section II. 203. Agenda. A. (Page 3)
Add language to include a request for an agenda item to be placed on an agenda may be made by email or phone. City Council agreed to this requested change.
- Section IV. 402. Classification of Arts Commission Grants. A. (Page 5)
Replace "This is the only grant a first-time grantee is eligible to receive," with "This grant is only available to first time grantees." And, remove "A start-up grant can only be awarded the first year applying for a Killeen Arts Commission grant." City Council agreed to this requested change.
- Section IV. 403. Allocation of Arts Commission Grants B. (Page 7)
Remove item #8 Applicant's willingness and ability to invest additional money and volunteer effort in the project (5 points maximum) and add the 5 points to item #6 Marketing effort of the art grant request to attract tourists and hotel guests (for a total of 20 points maximum). City Council agreed to this requested change.
- Section V. 501. Use of Funding C. 14. (Page 10)
Amend Meals, refreshments, and catering expenses, other than those for volunteers and performers; meal expenses for volunteers and performers that exceed \$50 per individual to \$75 per individual. City Council did not agree to this requested change.
- Section VI. 605. Record Keeping and Supporting Documentation. B. (Page 18)
Add language to also include the option of also providing a copy of cahiers check and/or money order when providing supporting documentation. City Council agreed to this change.

Motion was made by Councilmember Johnson to approve RS-20-022 as amended in the discussion. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1, with Mayor Pro Tem Kilpatrick in opposition.

RS-20-023 Consider a memorandum/resolution adopting the Killeen Arts Commission funding allocation policy.

Staff Comments: Jon Locke, Executive Director of Finance

This item was table from March 24, 2020. Staff recommends City Council approve the Killeen Arts Commission Grant Allocation Policy effective for the fiscal year 2021 grant cycle.

Motion was made by Councilmember Menking to approve RS-20-023 amending the score sheet and policy by removing scoring item #8 (Willingness and ability to invest additional money and volunteer effort in the project) and increasing the maximum scoring points on #6 (Marketing effort of the art grant request to attract tourists and hotel guests) from 15 to 20. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-20-032 Consider a memorandum/resolution authorizing the purchase of police equipment and ammunition from GT Distributors, Inc. in an amount not to exceed \$160,000.

Staff Comments: Charles Kimble, Chief of Police

The Police Department purchases duty gear, body armor and ammunition from GT Distributors, Inc. Staff recommends that the City Manager or his designee be authorized to execute the described purchase of police duty gear, body armor and ammunition from GT Distributors, Inc. through purchasing cooperatives TXMAS and TASB BuyBoard, in an amount not to exceed \$160,000 in the current fiscal year.

Motion was made by Councilmember Fleming to approve RS-20-032. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

RS-20-033 Consider a memorandum/resolution authorizing a contract with Andale Construction to apply High Density Mineral Bond surface treatment on roadways.

Staff Comments: Danielle Singh, Executive Director of Public Works

HA5 High Density Mineral Bond surface treatment is a material that can hold exceptionally high concentrations of fine aggregates and other components that resist deterioration. Integrated Pavement Solutions/Andale Construction is the sole source for the HA5 High Density Mineral Bond surface treatment. The contract term for this award is a term of two (2) years with a possible escalation cost due to fluctuation of material in the second year, if agreed to by both parties. The expected expenditure for FY20 is \$645,000, but will not exceed \$1,000,000.00 for FY20, funding is available. City staff recommends that the City Council authorize the City Manager, or designee, to enter into a two-year Service Contract/Agreement with Andale Construction in amount not to exceed \$1,000,000 in FY20, and that the City Manager, or designee, 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-20-033. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-20-034 Consider a memorandum/resolution authorizing a Professional Services Agreement with Clark & Fuller, PLLC in the amount of \$57,350 for the design of the Greenforest Circle Drainage Improvements Project.

Staff Comments: Danielle Singh, Executive Director of Public Works

The Greenforest Circle Drainage Improvements Project is listed as the number one (1) ranked project recommended in the 2012 Drainage Master Plan. The proposed improvements would include approximately, 1,500 linear feet of new storm sewer pipe with new curb inlets and drainage appurtenances adjacent to S. Roy Reynolds Drive and along Greenforest Circle. This professional service agreement (PSA) will allow Clark & Fuller to complete survey, design, and construction documents. They will also assist with construction administration. Staff recommends that the City Council authorize the City Manager to enter into a PSA with Clark & Fuller, PLLC for the design and construction administration services of the Greenforest

Circle drainage improvement project in the amount of \$57,350.00, and that the City Manager is expressly authorized to execute any and all changes within the amounts set by the state and local law.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-20-034. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

- RS-20-035** Consider a memorandum/resolution approving an operating authority to Pana Taxi.
Staff Comments: Traci Briggs, City Attorney
Pana Taxi has applied for an operating authority permit to operate a taxi service. Staff has determined that the application is complete. An operating authority is good for five years. The request conforms with Chapter 29, Transportation, of the city's code of ordinances. Staff recommends that the city council approve an operating authority to Pana Taxi.

Motion was made by Councilmember Rivera to approve RS-20-035. Motion was seconded by Councilmember Harris. Motion carried unanimously.

- RS-20-036** Consider a memorandum/resolution approving the appointment of an Executive Director of Aviation.
Staff Comments: Eva Bark, Executive Director of Human Resources
On October 31, 2019, the position of the Executive Director of Aviation became vacant. Mr. Cagle appointed Mr. Michael Wilson as the Interim Executive Director of Aviation. Mr. Cagle has further extended a conditional promotional offer to Mr. Michael Wilson. Mr. Wilson's promotion is conditioned upon confirmation by the Killeen City Council for promotion to be effective on April 15, 2020. Staff recommends that the City Council approve the City Manager's appointment of Michael Wilson as the City of Killeen's Executive Director of Aviation.

Motion was made by Councilmember Rivera to approve RS-20-036. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

Ordinances

- OR-20-009** Consider an ordinance amending Chapter 19, Parks and Recreation, by dissolving the tree care advisory board and establishing a Recreation Services Advisory Board.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY OF KILLEEN AMENDING CHAPTER 19, PARKS AND RECREATION, OF THE CODE OF ORDINANCES, TO DISSOLVE THE TREE ADVISORY BOARD AND CREATE A RECREATION SERVICES ADVISORY BOARD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Joe Brown, Executive Director of Recreation Services
The Recreation Services Advisory Board's purpose shall be to review and recommend uses of parkland, city wide tree care, cemetery, and sports/recreation facilities and improvements in programs, activities, events, and facilities to meet current and future community needs for the City and its residents, including the parks master plans, park bonds, and park capital improvement plans. It is recommended that the board be composed of seven (7) members. There shall be one (1) member from each of the four (4) City Council Districts established by the City Charter, and three (3) at-large members. Members shall be appointed by the City Council pursuant to and in accordance with Chapter 2 of the City of Killeen Code of Ordinances. Staggered terms of office for each member is recommended so that continuity among the board will be maintained. Position 1, 3, 5, 7 (odd numbered members) will serve an initial one-year term, followed by subsequent two-year terms. Positions 2, 4, 6, (even numbered members) will serve a two-year term of service. Going forward, all members will serve two-year terms. Section 19-42, which established the Tree Care Advisory Board, will be repealed. The Tree Care Advisory Board was created pursuant to the requirements related to obtaining and sustaining a Tree City USA designation, but the board has been inactive for roughly four (4) years. The Recreation Services Advisory Board will replace the Tree Care Advisory Board and will also fulfill the city's requirements for Tree City USA. Staff recommends that the City Council adopt the new ordinance and repeal Section 19-42 within established Chapter 19.

Motion was made by Councilmember Rivera to approve OR-20-009. Motion was seconded by Councilmember Harris. Motion carried unanimously.

OR-20-010 Consider an ordinance designating the I-14/ Trimmier Road Reinvestment Zone, an 11.875 acre tract of land located northwest of the intersection of E. 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
Pursuant to Sec. 312.202(a)(6), the proposed area is eligible for 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. Staff recommends that the City Council approve the I-14/ Trimmier Road reinvestment zone.

Motion was made by Councilmember Rivera to approve OR-20-010. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

OR-20-011 Consider an ordinance amending the corporate City limits of the City of Killeen, Bell County, Texas to disannex approximately 108.034 acres of land out of the J. H. Glasscock Survey, Abstract No. 368, and the Angus J. James Survey, Abstract No. 472, being generally located north of Crows Ranch Road and west of Eagles Nest Road; declaring said land to no longer be a part of said City.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE CORPORATE CITY LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS TO DISANNEX APPROXIMATELY 108.034 ACRES OF LAND OUT OF THE J. H. GLASSCOCK SURVEY, ABSTRACT NO. 368, AND THE ANGUS J. JAMES SURVEY, ABSTRACT NO. 472, BEING GENERALLY LOCATED NORTH OF CROWS RANCH ROAD AND WEST OF EAGLE NEST ROAD; DECLARING SAID LAND TO NO LONGER BE A PART OF SAID CITY; DECLARING SAID LAND AND PRESENT AND FUTURE INHABITANTS OF SAID LAND TO NOT BE ENTITLED TO ANY OF THE RIGHTS AND PRIVILEGES OF CITIZENS OF THE CITY AND TO NOT BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, Executive Director of Planning

On March 6, 2020, the City of Killeen received a petition for the disannexation of approximately 108.034 acres of land out of the J. H. Glasscock Survey, Abstract No. 368, and the Angus J. James Survey, Abstract No. 472. The property is zoned "A" (Agricultural District) and is currently undeveloped and unplatted. The subject property was annexed into the City of Killeen on December 18, 2007, as part of a larger annexation. The subject property is not contiguous to the existing city limits of Killeen, and the City of Killeen does not provide the subject property with any municipal services. Section 7 of the City Charter provides that the City Council shall have power, by ordinance, to fix and extend the boundaries of Killeen and to exchange area with other municipalities, with or without the consent of the territory and inhabitants annexed or relinquished. Upon the introduction of such ordinance by the City Council, the procedures for disannexation set forth by state law shall be followed, as found in Chapter 43, Local Government Code, and as may hereafter be amended. Once disannexed, the territory and inhabitants shall not be a part of Killeen and shall not be entitled to the rights and privileges or bounds by the acts, ordinances, resolutions and regulations of Killeen. Staff recommends the City Council approve the disannexation ordinance as presented.

Motion was made by Councilmember Fleming to approve OR-20-011. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

As identified in the beginning of the minutes, agenda item RQ-20-002 was moved to the end of the meeting agenda.

RQ-20-002 Future Agenda Item Requests:

- Green Space Ordinance
- Neighborhood Street Lamp Ordinance
- Increased Lighting at Low Lit Areas

Councilmember Harris requested that an ordinance be created to require green space for new single, multifamily and large business developments. Mr. McIlwain, Executive Director of Planning, advised that staff is currently working on a development ordinance to bring to city council for further discussion at a future council meeting.

Councilmember Harris requested that City Council consider the creation of a streetlamp installation plan that would systematically install lamps in areas designated by staff and council as areas in need of extra lighting to increase consistent visibility, safety/quality of life. A motion of direction was made by Mayor Pro Tem Kilpatrick for staff to bring back a report to city council that reflects costs for such a project as budget discussions are in process. Motion was seconded by Councilmember Fleming. Motion of direction carried unanimously.

Councilmember Harris requested that City Council considered discussing an ordinance amendment that decreases the required distance of neighborhood streetlamps from every 12,000 feet to 6,000 feet in newly developed neighborhoods. Councilmember Harris followed with making a motion of direction instructing staff to bring suggestions or ideas before city council for further discussion. Motion was seconded by Councilmember Rivera. Motion of direction carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Fleming, and unanimously approved, the meeting was adjourned at 7:22 p.m.