

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 28, 2017 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Juan Rivera(arrived 5:05), Shirley Fleming, Gregory Johnson, Jonathan Okray, and Richard Young

Also attending were City Manager Ronald L. Olson, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Gilman.

Mr. Jones gave the invocation, and Councilmember Fleming led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda pulling items PH-17-014 and PH-17-019 from consideration per the applicant's request. Motion seconded by Councilmember Fleming. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the March 14th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-17-030 Consider a memorandum/resolution accepting the annual audit report for the fiscal year ended September 30, 2016.

Staff comments: Jonathan Locke

The audit report, completed by Weaver, LLP, has been compiled to meet all required provisions of the Governmental Accounting Standards Board. Adam McCain with Weaver gave a brief overview of the report. Staff recommends that the City Council approve the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2016.

Motion was made by Councilmember Kilpatrick to approve RS-17-030. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-17-031 Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2016.

Staff comments: Jonathan Locke

The attached investment report summarizes all investment activity for the quarter that ended December 31, 2016. Bill Cook with Valley View Accounting briefly went over the report. Staff recommends that the City Council approve the attached investment report for the quarter that ended December 31, 2016.

Motion was made by Councilmember Johnson to approve RS-17-031. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-17-032 Consider a memorandum/resolution for Ambiance Limousine and Transportation, LLC., Ground Transportation application.

Staff comments: Kathy Davis

The application is complete and provides for a limousine service and airport shuttle from any established pick-up point in Killeen. Staff recommends that the City Council vote to permit a ground transportation authority to Ambiance Limousine and Transportation, LLC.

Motion was made by Councilmember Rivera to approve RS-17-032. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

RS-17-033A Consider a memorandum/resolution authorizing the City Manager to execute an interlocal agreement with the City of Frisco, Texas, for the purchase of self-contained breathing apparatus (SCBA) equipment for the Fire Department.

Staff comments: Fire Chief Brank

The Killeen Fire Department (KFD) has been approved for the Assistance to Firefighter Grant (AFG) for Self-Contained Breathing Apparatus (SCBA). The best price point quotation that KFD received is to piggyback on a competitive sealed bid submitted to Frisco, Texas, from Hoyt Breathing Apparatus for Scott brand SCBAs. The interlocal agreement allows the City to purchase the SCBAs at the same price as the winning bid submitted to the City of Frisco and satisfies the City's bidding requirement pursuant to Texas Government Code 791. City staff recommends that the City Manager be authorized to enter into this interlocal agreement with Frisco, Texas.

RS-17-033B Consider a memorandum/resolution authorizing the purchase of self-contained breathing apparatus (SCBA) equipment from Hoyt Breathing Air Products for the Fire Department.

Staff comments: Fire Chief Brank

The Assistance to Firefighting Grant provides a Federal Share of \$572,449, which leaves the remaining amount of \$57,005.01 as the City of Killeen's share. This purchase will be completed through an interlocal agreement between Frisco, Texas, and Killeen, Texas, to collaborate on a competitive sealed bid submitted to Frisco, Texas, from Hoyt Breathing Apparatus for Scott brand SCBA's. City staff recommends that the City Manager be authorized to execute the purchase of 88 SCBAs, 176 Cylinders, 231 Masks, and 67 Voice Amplifiers from Hoyt Breathing Air Products and he is further authorized to execute any and all change orders allowed by state and local law.

Motion was made by Mayor Pro-Tem Moore to approve RS-17-033A&B. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-17-034 Consider a memorandum/resolution to revise the Killeen Arts Commission Rules and Regulations.

Staff comments: Jonathan Locke

A sub-committee of the Arts Commission was appointed to review the current Killeen Arts Commission Rules and Regulations. Ralph Cossey, Jr., briefly went over the significant changes that were made with respect to grant requirements requiring grantees

to: provide the name of a host hotel on application, submit proof of hotel/motel rooms occupied due to event, display an Arts Commission banner at event, provide a booth for the Arts Commission at event, and acknowledge Arts Commission funding in all media types. These rules will apply to grants that begin on or after October 1, 2017. City staff recommends that the City Council approve the attached Killeen Arts Commission Rules and Regulations, as revised.

Motion was made by Councilmember Johnson to approve RS-17-034. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-17-035 Consider a memorandum/resolution authorizing the sale of real property located at the corner of Buckley Avenue and Camilla Road.
Staff comments: Kathy Davis
One bid was received by the City from Michael Walsh and Nikki Chambers Walsh in the amount of \$9,000.00 who are the owners of 1101 Farhills Dr. immediately adjacent to the south of the subject property. The stated proposed use for the property is “extension of property”. Staff recommends that the City Council approve the sale of the above-described subject property to the highest bidder and that the City Manager be authorized and empowered to act in the name and on behalf of the City of Killeen in all lawful ways to execute and deliver all contracts, notes, deeds of trust, deeds, bills of sale, assignments, consents, notices, filings, certificates, acknowledgements, closing statements, affidavits, and other documents, and to do and perform every other act as he may deem necessary and appropriate to carry out the sale of the above-described tract in accordance with this resolution.

Motion was made by Councilmember Okray to approve RS-17-035. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-17-036 Consider a memorandum/resolution authorizing the procurement of a street sweeper necessary to meet MS4 permit requirements.
Staff comments: Frank Tydlacka
The Phase II permit (MS4 permit), requires the city to reduce the amount of sediment entering the City's storm sewers and watercourses. Street sweeping is one of the primary ways to reduce the amount of sediment entering the City's storm sewers and watercourses. The City must add a street sweeper this year to prevent water quality violations and decrease the impact to the macrobenthic community in the City's creeks. The City's MS4 permit mandates that the City purchase and have in service one (1) additional Regenerative Air Sweeper by September 30, 2017. The needed equipment would be provided by TYMCO Inc. utilizing the HGAC Purchasing Cooperative per pricing below. Staff recommends approval to purchase the Model 600 Regenerative Air Street Sweeper from TYMCO Inc. utilizing the HGAC Purchasing Cooperative for the total cost of \$225,335.00 and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Fleming to approve RS-17-036. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

- RS-17-037** Consider a memorandum/resolution appointing Presiding and Alternate Election Judges for the May 6, 2017 general election.
Staff comments: Kathy Davis
Section 32.001 of the Election Code requires the City Council to appoint presiding and alternate judges for each of the polling locations used on Election Day. Staff recommends the list of individuals in the attached resolution be named to serve as election officials for the election on May 6, 2017.

Motion was made by Councilmember Okray to approve RS-17-037. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Public Hearings

PULLED FROM CONSIDERATION

- PH-17-014** HOLD a public hearing and consider an ordinance requested by Victor Craig Mashburn and Denna Connel O'Connor (Case #Z17-01) to rezone approximately 1.39 acres out of the G.W. Farris Survey, Abstract No. 306, Killeen, Texas, from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is locally known as 708 E. Elms Road, Killeen, Texas.

- PH-17-015** HOLD a public hearing and consider an ordinance requested by Darwin and Shelre Holden (Case #Z17-02) to rezone Lots 19 and 20, Block 3, Highview Addition, being locally known as 815 and 817 Florence Road, Killeen, Texas, from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District).

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 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-1" (PROFESSIONAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified twenty-seven (27) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

The Planning and Zoning Commission recommended approval of the applicant's request for "B-1" zoning by a vote of 7 to 0.

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

Motion was made by Mayor Pro-Tem Moore to approve PH-17-015. Motion was seconded by Councilmember Okray. Motion carried unanimously.

- PH-17-016A** HOLD a public hearing and consider an ordinance requested by Paula L. Lohse and John P. Goode to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' (FLUM# Z17-03) for Lots 6 and 7, Block 36, Crescent Manor Second Extension and Lot 7, Block 35, Crescent Manor Second

Extension. The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' TO 'GENERAL COMMERCIAL' FOR LOTS 6 AND 7, BLOCK 36, CRESCENT MANOR SECOND EXTENSION AND LOT 7, BLOCK 35, CRESCENT MANOR SECOND EXTENSION, BEING LOCALLY KNOWN AS 1621 AND 1623 RICHARD DRIVE AND 1605 S. W.S. YOUNG DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

Property owners want to transition to commercial for commercial use.

The Planning and Zoning Commission recommended approval of 'General Commercial' (GC) for the subject properties by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

Michelle Lee with Killeen Engineering & Surveying, 2901 E. Stan Schlueter Loop – available for questions.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Kilpatrick to approve PH-17-016A. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-17-016B HOLD a public hearing and consider an ordinance requested by Paula L. Lohse and John P. Goode (Case #Z17-03) to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension, from "B-1" (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young 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-1" (PROFESSIONAL BUSINESS DISTRICT) AND "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified twenty-seven (27) surrounding property owners within a 200' notification boundary regarding this request. Staff has received protests from Mary Gonzales of 1504 Randall Road and Patricia Warren of 1617 Richard Drive. The Planning and Zoning Commission recommended approval of the applicants' request for "B-3" zoning for Lots 6 and 7, Block 36 and Lot 7, Block 35, Crescent Manor Second Extension by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

Michelle Lee with Killeen Engineering & Surveying, 2901 Stan Schlueter Loop - spoke in favor of

request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-17-016B. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-17-017 HOLD a public hearing and consider an ordinance requested by Waterville Property Management of Texas, L.L.C. (Case #Z17-04) to rezone 202 E. Veterans Memorial Boulevard, Suites A-D, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District) to allow for the on-premises sales of beer, wine, and mixed beverages in conjunction with a pool hall.

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

The staff notified seven (7) surrounding property owners within a 200’ notification boundary regarding this request. Staff has received no responses.

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) limited to Suites A through D of the existing building by a vote of 7 to 0.

Mayor Segarra opened the public hearing.

Jennifer Cain, 2505 Traverse Dr. – spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-17-017. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-17-018A HOLD a public hearing and consider an ordinance requested by Franklin Harris L.L.C. to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘Suburban Residential’ and ‘General Commercial’ designated area to a ‘Multi-Family Residential’ designated area (FLUM# Z17-05) for 8.5 acres of land located between O.W. Curry Drive and Cunningham Road, south of E. Central Texas Expressway, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN’S FUTURE LAND USE MAP FROM ‘SUBURBAN RESIDENTIAL’ AND ‘GENERAL COMMERCIAL’ TO ‘MULTI-FAMILY RESIDENTIAL’ FOR APPROXIMATELY 8.5 ACRES OF LAND LOCATED BETWEEN O.W. CURRY DRIVE AND CUNNINGHAM ROAD, SOUTH OF E. CENTRAL TEXAS EXPRESSWAY, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This designation calls for multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums). The Planning and Zoning Commission recommended approval of the amendment to the Future Land Use Map from ‘Suburban Residential’ and ‘General Commercial’ to ‘Multi-Family Residential’ by a vote of 7 to 0.

Mayor Segarra opened the public hearing.

Megan Lash, Developer Representative, 421 W. 3rd Street – available for questions.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Kilpatrick to approve PH-17-018A. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-17-018B HOLD a public hearing and consider an ordinance requested by Payton Senior L.L.C. on behalf of Franklin Harris, L.L.C. (Case #Z17-05) to rezone approximately 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from “R-1” (Single-Family Residential District), “R-3” (Multifamily Residential District) and “B-5” (Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District).

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 “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT), “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) AND “B-5” (BUSINESS DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified twenty-nine (29) surrounding property owners within a 200’ notification boundary regarding this request. Staff has received no responses. The Planning and Zoning Commission recommended approval of the applicant’s PUD request by a vote of 7 to 0. The approval is subject to adherence to the submitted site plan and a maximum impervious area calculation of no more than 47%.

Mayor Segarra opened the public hearing.

Megan Lash, Developer Representative, 421 W. 3rd St. - available for questions.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-17-018B. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

PULLED FROM CONSIDERATION

PH-17-019 HOLD a public hearing and consider an ordinance requested by Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. (Case #Z17-06) to rezone approximately 113 acres,

being part of the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “R-1” (Single-Family Residential District) uses to allow for varying lot sizes and 22 acres of green space and riparian buffer. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

PH-17-020 HOLD a public hearing and consider an ordinance requested by WBW Land Investments, L.P. (Case #Z17-07) to rezone approximately 62.31 acres, being part of the Azra Webb Survey, Abstract No. 857, from “AR-1” (Agricultural Single-Family Residential District) and “SR-1” (Suburban Residential Single Family District) to Planned Unit Development (PUD) with “SR-2” (Suburban Residential Single-Family District), “SR-1” (Suburban Residential Single Family District), “R-1” (Single-Family Residential District) and “SF-2” (Single Family Residential District) to allow for various lot sizes and setbacks and associated standards. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, 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 “AR-1” (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND “SR-1” (SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH “SR-2” (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT), “SR-1” (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT), “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND “SF-2” (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified sixty-five (65) surrounding property owners within a 200’ notification boundary regarding this request. Three surrounding property owners negotiated the PUD standards with the applicant and signed the draft concept plan. Staff has received protests from Linda Knotts, the owner of 6701 Rein Drive, Sandra Santiago-Green, the owner of 602 Hub Drive and Bob and La Nae Gordon, the owner of 1150 Stagecoach Road. Staff also received a response from Connie Havens, the owner of 6905 Rein Drive.

The Planning and Zoning Commission recommended approval of the applicant’s PUD of “SR-2”, “SR-1”, “R-1” and “SF-2” zoning districts by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

Glenn Bauer, 6605 Rein Dr. – spoke in favor of the request and thanked the Council for their support.

Kathy Harkin, 6607 Rein Dr. – has not been given all the information requested about the development, i.e.: landscaping, number of houses, etc. Wants to make sure the residents get what they’ve asked for.

Josh Welch, 3000 Illinois Ave, Developer Representative – the developer and citizens met several times and came up with a plan agreeable to each. Spoke in favor of the request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Young to approve PH-17-020. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 1 with Councilmember Fleming opposing.

PH-17-021 HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase expense accounts for a professional services agreement providing auditing services.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO INCREASE EXPENSE ACCOUNTS FOR A PROFESSIONAL SERVICES AGREEMENT PROVIDING AUDITING SERVICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

On March 14, 2017, the City Council approved an agreement with McConnell & Jones, LLP that specifies the scope and fee schedule for the audit which will examine the City's administrative and internal controls for the fiscal years 2006-2015. A budget amendment is needed to provide funding for the audit services. The total fee associated with the audit engagement is \$394,456. Staff recommends that City Council approve the ordinance amending the FY 2017 Budget to provide funding for auditing services.

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

Motion was made by Councilmember Young to approve PH-17-021. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Moore, and unanimously approved, the meeting was adjourned at 6:31 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary