

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
May 27, 2014 at 5:00 p.m.

Presiding: Mayor Scott Cosper

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris, and Jonathan Okray.

Absent: Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms M. Mirabel.

Wil Brewster gave the invocation, and Councilmember Clark led everyone in the pledge of allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written. Motion seconded by Councilmember Gilmore. The motion carried unanimously.*

### **Presentations**

**PR-14-003** Presentation - Army's 239th Birthday Celebration  
Ms. Humphries - 1<sup>st</sup> annual celebration. Gave dates, times and activities for the 1<sup>st</sup> Annual Army's Birthday Celebration, June 12th.

### **Consent Agenda**

**CA-14-064** Consider minutes of Regular City Council Meeting of May 13, 2014.  
No changes.

**CA-14-065** Consider minutes of Special City Council Meeting of May 20, 2014.  
No changes.

**CA-14-066** Consider a memorandum/resolution approving an agreement with Selectron for telephone payment services.

**Staff comments:** Don Fine

A committee reviewed and observed demonstrations of four products for replacement of the phone system that Utility Collections uses and selected Selectron as having the strategy that provided the best value. Staff recommends that the City Manager be authorized to execute the four-year contract with Selectron for \$151,000 and any and all change orders within the amounts set by state and local law.

- CA-14-067** Consider a memorandum/resolution authorizing the award of Bid No. 14-08 for a construction contract to David L. King Construction for the Ellison High School Sidewalk Improvements Project (Part 2).  
**Staff comments:** Scott Osburn  
Seven bidders submitted bids for this project. City staff recommends that City Council award a construction contract to the lowest responsible bidder meeting specifications, David L. King Construction, in the amount of \$200,884.44.
- CA-14-068** Consider a memorandum/resolution authorizing the award of Bid No. 14-10 to Nelson Lewis, Inc. for construction of the 12-inch Trimmier Road Water Line Project.  
**Staff comments:** Steve Kana  
Three contractors submitted bids on this project. KPA and City staff reviewed each bid for conformance with the contract documents and for bid balance. Both KPA and City staff recommend the award of contract to Nelson Lewis, Inc., in the amount of \$575,660.20.
- CA-14-069** Consider a memorandum/resolution authorizing the procurement of pipe bursting equipment necessary to complete the Sewer Line Rehabilitation Phase 2 Project (Water and Wastewater Master Plan Project 6S) and other future projects.  
**Staff comments:** Steve Kana  
Due to the fusion machine not being available from the purchasing cooperatives, City staff received three quotes for this item. Crisp Industries submitted the low quote for the fusion machine. The State of Texas Buy Board will be used to purchase the other five items needed for the project. City staff recommends that City Council authorize the purchase of the stated equipment utilizing the State of Texas Buy Board for the five items indicated and Crisp Industries for the fusion machine. \$356,067 total cost.
- CA-14-070** Consider a memorandum/resolution authorizing an agreement with Freese and Nichols, Inc. to develop a Reuse/Reclaimed Water Master Plan.  
**Staff comments:** Scott Osburn  
City staff is recommending the selection of the Freese and Nichols, Inc./Walker Partners Engineers team to develop the Reuse Master Plan. The base fee for preparation of the Reuse Master Plan is \$303,046. City Staff is also recommending that City Council consider and approve the development of the following three additional tasks for inclusion into the Reuse Master Plan: Prepare Guidance Plan for Public Education, Determine Staffing and Training Requirements, and Development of a Marketing Plan for Reuse Water System Implementation. The fiscal impact of this action \$327,637. City staff recommends that the City Council authorize the City Manager to enter into an agreement with the Freese and Nichols, Inc. for the development of a Reuse Water Master Plan.
- CA-14-071** Consider a memorandum/resolution to authorize Change Order No. 005 to the Terminal Building Expansion Construction Contract with Hill & Wilkinson General Contractors.  
**Staff comments:** Matthew Van Valkenburg  
Change Order No. 005 represents the labor, material, supervision and all other costs associated with rehabilitation of the canopy system to improve the integrity of the structure at the Killeen-Fort Hood Regional Airport. Staff recommends the City Council

authorize the City Manager to execute Change Order No. 005 for the Terminal Building Expansion Project with Hill & Wilkinson General Contractors in the amount of \$114,362.42.

**CA-14-072** Consider a memorandum/resolution for the acquisition of fourteen (14) encrypted digital radios, and forty-one (41) non-encrypted digital radios for the Police Department.

**Staff comments:** Deputy Chief Hawthorn

The purchase of these radios with associated accessories will be from Dailey Wells Communications. As a Sole Source provider this acquisition is exempted from the competitive bid/proposal process as required by Texas Government Code section 251.022. The Staff recommends the acquisition of fifty-five (55) digital radios from Dailey Wells Communications as a Sole Source procurement for \$189,915.

**CA-14-073** Consider a memorandum/resolution authorizing the lease of a wheel loader through the TASB Buyboard Purchasing Cooperative for the Solid Waste Transfer Station.

**Staff comments:** Frank Tydlacka

Staff recommends the procurement of the wheel loader from Holt CAT, through the TASB BuyBoard, on a three-year lease of \$2,229.22 per month, and the City Manager or designee is authorized to approve the purchase of the equipment at the end of the three-year lease period for \$117,700.00 if the purchase is approved in the FY 16-17 budget.

**CA-14-074** Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2014.

**Staff comments:** Martie Simpson

Susan Anderson w/Valley View Consulting, the city's investment firm, briefly explained the investment report. Staff recommends that the City Council approve the attached investment report for the quarter that ended March 31, 2014.

*Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items CA-064 through CA-074, as presented. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

## **Public Hearings / Ordinances**

**PH-14-030** HOLD a public hearing and consider an ordinance requested by W.B.W. Land Investments, L.P. (Case #Z14-10) to rezone approximately 12.36 acres, being part of the Azra Webb Survey, Abstract No. 857, from A-R1 (Agricultural Single-Family Residential District) to SR-1 (Suburban Residential Single-Family District). The property is located on the north right-of-way of Stagecoach Road, west of Rein Drive, Killeen, Texas.

**(Tabled from April 22, 2014 Regular City Council Meeting and Requires  $\frac{3}{4}$  Majority Vote for Approval)**

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 A-R1 (AGRICULTURAL**

**SINGLE-FAMILY RESIDENTIAL DISTRICT) TO SR-1 (SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Shelly Shelton

The staff notified fort-eight (48) surrounding property owners within a 200 foot notification boundary regarding this request. A total of 13 property owners within the boundary have protested this zoning request. The 13 verified property owners represent 20.4% of the area of the lots immediately adjoining the area and within 200 feet of the area covered by the proposed chance. Therefore, the proposed change must receive the affirmative vote of a least three-fourths of all members of City Council to take effect. The request is for future single family residential development. The developer emailed the city a notification they received that one property owner rescinded their previous opposition. City Attorney Kathy Davis explained the legality and necessity of authenticating the rescinding property owner's email and because the city is not at this time able to validate the email, recommends the council not remove the opposition and consider it part of the regular request. Since one councilmember is not present, the remaining 6 Councilmembers must vote in favor of passing in order to meet the  $\frac{3}{4}$  vote. The Planning and Zoning Commission recommended approval of the SR-1 zoning request by a vote of 6 to 0.

Mayor Cosper opened the public hearing.

Josh Welch with W.B. Development, 3000 Illinois Ave - requested the council postpone this request until the next meeting.

Dan Brouillette, with W.B. Development, 3000 Illinois Ave, - request the council postpone till next meeting.

Kathy Harkin, 6607 Rein Dr. - disappointed item may be postponed again. Ms. Harkin feels the city is giving preferential treatment to this developer, allowing them more postponements, and feels the city does not need additional homes while there are so many homes vacant or for sale.

Linda Knotts, 3212 Carpet Lane - spoke in opposition of rezoning request. Ms. Knotts requests 1-story homes be built, not 2-story, if the homes are going to be built.

Lynn Dowley, 601 Rein Drive - spoke in opposition of rezoning request.

With no one else appearing the public hearing was closed.

City Attorney Kathy Davis recommended postponement of this request due to not having a full council present.

*Motion was made by Councilmember Harris to disallow the developers' request to postpone this issue. Motion was seconded by Councilmember Okray. Motion carried 4 to 2 with Councilmember Gilmore and Councilmember Rivera in opposition.*

*Motion was made by Councilmember Okray to disapprove PH-030 due to factors that could substantially affect safety, welfare and quality of life for the current residents. Motion was seconded by Councilmember Harris. Motion failed 4 to 2 with Councilmember Gilmore, Mayor Pro-Tem Blackstone, Councilmember Clark, and Councilmember Rivera in opposition.*

*Motion was made by Councilmember Rivera to approve PH-30. Motion was seconded by Councilmember Gilmore. Motion tied 3-3 with Councilmember Okray, Councilmember Clark, and Councilmember Harris voting against approving PH-30, and Councilmember Gilmore, Mayor Pro-Tem Blackstone, and Councilmember Rivera voting for approving PH-30. Mayor Cosper broke the tie by voting in favor of the motion, however, because the required six votes in favor were not received, the motion failed and the item was disapproved by default.*

**PH-14-037** HOLD a public hearing and consider an ordinance readopting the youth curfew. (1st of 2 readings)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE READOPTING A CURFEW FOR PERSONS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT THEIR BEING IN ANY PUBLIC PLACE FROM 11:00PM ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00AM THE FOLLOWING DAY, AND FROM 12:01 AM UNTIL 6:00AM ON ANY FRIDAY OR SATURDAY OR ON ANY DAY FROM JUNE 1 THROUGH AUGUST 15; PROVIDING DEFINITIONS; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING PENALTIES CONSISTING OF A FINE FOR MINORS NOT TO EXCEED \$500.00, AND FOR PARENTS OF MINORS CONSISTING OF A FINE OF NOT LESS THAN \$50.00, BUT NOT TO EXCEED \$500.00; ADOPTING CERTAIN DEFENSES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Staff comments:** Jerris Mapes

Curfew ordinance must be renewed every three years. Ms. Mapes presented a slide presentation of statistics regarding the effectiveness of the curfew ordinance.

Recommend action to continue the current ordinance.

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

**PH-14-038A** Consider a Memorandum of Understanding and Agreement with Killeen Economic Development Corporation in the amount of \$300,000 for the Downtown Improvements, Phase II project.

**Staff comments:** Scott Osburn

The Memorandum of Understanding and Agreement proposes that the City accept the amount of \$300,000 as the contributing portion from the KEDC for the project, which includes streetscaping improvements on Avenue D and drainage improvements along 10<sup>th</sup> Street. Staff recommends that the City Council authorize the City Manager to enter into a Memorandum of Understanding and Agreement with the Killeen Economic Development Corporation for the amount of \$300,000.

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

*Motion was made by Councilmember Clark to approve PH-038A. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-14-038B** HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen relating to the Downtown Improvements, Phase II project by increasing the capital

improvement revenue and expense accounts.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE CAPITAL IMPROVEMENT REVENUE ACCOUNT IN THE AMOUNT OF \$300,000 AND BY INCREASING THE CAPITAL IMPROVEMENT EXPENSE ACCOUNT IN THE AMOUNT OF \$300,000; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Scott Osburn

The proposed budget amendment ordinance would allocate the KEDC matching funds to cover a portion of the Project; funds in the amount of \$300,000 will be advanced to the City. City staff recommends that the City Council approve this ordinance amending the FY 2013-2014 General Fund Budget.

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

*Motion was made by Councilmember Clark to approve PH-038B. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

**PH-14-038C** Consider a memorandum/resolution authorizing the award of a Professional Services Agreement to Walker Partners, L.L.C., for the Downtown Improvements, Phase II project.

**Staff comments:** Scott Osborn

The proposed engineering contract submitted by Walker Partners, L.L.C., in the amount of \$220,510 provides engineering services including surveying, design, permitting, and bidding administration for the Project. City staff recommends that the City Council authorize the City Manager to enter into a professional services agreement with Walker Partners, L.L.C., in the amount of \$220,510, and that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

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

*Motion was made by Councilmember Clark to approve PH-038C. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**PH-14-039A** Hold a public hearing and consider an ordinance amending the 2013-2014 Annual Budget and Plan of Municipal Services for the City of Killeen relating to restructuring and adjusting the beginning fund balance in the general fund.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY ADJUSTING VARIOUS GENERAL FUND ACCOUNTS FOR RESTRUCTURING PERSONNEL POSITIONS**

**AND ADJUSTING THE BEGINNING GENERAL FUND BALANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Martie Simpson

Ms. Simpson explained the proposed changes in moving various city positions from one departmental budget to another to better serve the citizens of Killeen. The net effect of this budget adjustment is a decrease in overall budget of a little over \$64,000.

Staff recommends the approval of the budget amendment.

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

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-039A. Motion was seconded by Councilmember Clark. Motion carried 5 to 1 with Councilmember Harris in opposition.*

Councilmember Okray stated for the record that he is generally for the budget adjustments but not for creating two new executive director positions.

**PH-14-039B** Consider a memorandum/resolution approving the appointment of an Executive Director of Community Services.

**Staff comments:** John Sutton

After review and evaluation of the organization, it was determined that a new position was not necessary, but rather a restructure of an existing position was in order. The Director of Parks and Recreation will oversee the Golf Course Division and Volunteer Services Division along with the existing service areas included in Parks and Recreation. Sufficient funds are available in the Community Services budget for this position.

Brett Williams would be promoted to Executive Director to Community Services.

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

*Motion was made by Councilmember Rivera to approve PH-039B. Motion was seconded by Councilmember Clark. Motion carried 5 to 1 with Councilmember Okray in opposition.*

**PH-14-039C** Consider a memorandum/resolution approving the appointment of an Executive Director of Community Development.

**Staff comments:** John Sutton

After review and evaluation of the organization, it was determined that restructuring the Community Development Division was in order. The Director of Community Development, Leslie Hinkle, will now oversee the Library Services Division and the Killeen Civic and Conference Center and Convention and Visitors Bureau along with the existing service areas included in Community Development. Sufficient funds are available in the Community Services budget for this position. Recommend Ms. Hinkle be promoted to Executive Director of Community Development.

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

*Motion was made by Councilmember Clark to approve PH-039C. Motion was seconded by Councilmember Rivera. Motion carried 5 to 1 with Councilmember Okray in opposition.*