

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
December 15, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Jose Segarra, Council members, Jim Kilpatrick, Shirley Fleming, Brockley Moore, Jonathan Okray, Juan Rivera and Elizabeth Blackstone

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, Dianne Morrow (for City Secretary, Dianna Barker), and Sergeant-at-Arms Dearing.

Doctor Campbell gave the invocation, and Mayor Cospers led everyone in the pledge of Allegiance.

**Approval of Agenda**

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

**Presentations**

**PR-15-004** Presentation – Employee United Way Check  
Hilary Shine presented a check to the Killeen United Way representatives for \$180,312, a total derived from pledges and donations from City of Killeen employees and above what was donated last year.

**Minutes**

*Motion was made by Councilmember Kilpatrick to approve the minutes of the December 8<sup>th</sup> Regular City Council Meeting. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.*

**Resolutions**

**RS-15-098** Consider a memorandum/resolution authorizing the City Manager to execute an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) to construct Segment 4 of the Heritage Oaks Hike and Bike Trail.

**Staff Comments:** Scott Osburn

Mr. Osburn gave an overview of the proposed Heritage Oaks Hike and Bike Trail, Segment 4, project and explained that by entering into an Advance Funding Agreement (AFA) with TxDOT, the City agrees to commit to the project's design, development, implementation, construction, maintenance, management and funding. Staff recommends that the City Council authorize the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation for the Transportation Alternatives Program and issue an initial payment in the amount of \$13,242 and subsequent payment in the amount of \$35,202 prior to bid advertising to the Texas Department of Transportation to accept the grant funds and move forward with the project.

*Motion was made by Councilmember Moore to approve RS-15-098. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Okray in opposition.*

**RS-15-099** Consider a memorandum/resolution approving a retail concession lease agreement with Bynemns Ltd at the Killeen Fort Hood Regional Airport.

**Staff Comments:** Matthew Van Valkenburgh

Staff has negotiated a concession lease agreement with Bynemns Ltd., d/b/a Bynemns Independent Solutions, for the operation of a retail discount membership business at the Killeen-Fort Hood Regional Airport with a term of January 1, 2016 through September 30, 2016. Staff recommends City Council approve the attached concession lease agreement with Bynemns Ltd. to be effective January 1, 2016 and to authorize the City Manager to execute same.

*Motion was made by Councilmember Rivera to approve RS-15-099. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-15-100** Consider a memorandum/resolution for JC Communications to install fiber in select city locations utilizing the current Bell County IT interlocal agreement.

**Staff Comments:** Tom Moore

Staff is seeking approval to utilize the contract with JC Communications to install fiber at selected buildings in the city (Phases 3-5). Staff recommends that the City Council authorize the City Manager to use the JC Communications contract through the Bell County IT interlocal agreement for the completion of Phases 3, 4 and 5 of the City of Killeen fiber project in an amount not to exceed \$184,859.

*Motion was made by Councilmember Fleming to approve RS-15-100. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.*

**RS-15-101** Consider a memorandum/resolution awarding Bid No. 16-07 for Onion Road Waterline Improvements Project to Nelson Lewis, Inc.

**Staff Comments:** Steve Kana

Staff reviewed each of the eight bids for conformance with the contract documents and for bid balance. Based upon this evaluation and past work experience, City staff and KPA (Kasberg, Patrick & Assoc.) recommend the award of bid contract to Nelson Lewis, Inc. Staff recommends that the City Council authorize the City Manager to enter into a contract with Nelson Lewis, Inc., in the amount of \$544,250.50 to construct the Onion Road Waterline Improvements Project. City staff also recommends that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

*Motion was made by Councilmember Kilpatrick to approve RS-15-101. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.*

**RS-15-102** Consider a memorandum/resolution authorizing the award of a professional services agreement with Pipeline Analysis, LLC, for the Phase 4 Sewer Line Sanitary Sewer Evaluation Survey.

**Staff Comments:** Steve Kana

The TCEQ SSO Initiative Action Plan requires the implementation of Sewer Line SSES Phase 4 in the fourth quarter of 2015. Due to the many benefits gained from the sewer line evaluations in Phases 1-3 of Pipeline Analysis's SSES work, staff recommends that the City Council authorize the City Manager to enter into an agreement with Pipeline Analysis, LLC., for a professional services agreement to complete Phase 4 of the Sewer Line SSES in the amount of \$369,389.30, and that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

*Motion was made by Councilmember Blackstone to approve RS-15-102. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-15-103** Consider a memorandum/resolution authorizing a revised contract for the Surface Water Quality Assessment Clean Water Act §319(h) Grant Project.

**Staff Comments:** Scott Osburn

In order to successfully complete the project grant, an agreement was reached between city staff and TIAER (Texas Institute for Applied Environmental Research) to create a new contract to replace the expired contract rather than submit a contract amendment. The proposed contract extends the end-date of the original contract from August 31, 2015, to December 31, 2015, and reduces the work for tasks associated with the City's in-kind services. Staff recommends that the City Council authorize the City Manager to enter into an agreement with TIAER for completion of the Clean Water Act Section 319(h) Grant Project, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by federal, state and local law.

*Motion made by Councilmember Blackstone to approve RS-15-103. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**RS-15-104** Consider a memorandum/resolution authorizing the Killeen Civic and Conference Center to purchase and have installed audio/visual equipment with Onsite AV Service Partners, Inc.

**Staff Comments:** Leslie Hinkle

Staff has identified the need to have the audio/visual equipment replaced as soon as possible at the Killeen Civic and Conference Center due to the age of the equipment and replacement parts are no longer made or available for repairs. Staff has identified Onsite AV Service Partners through the interlocal purchasing system, TIPS/TAPS, to purchase and have installed new equipment in the amount of \$87,475.37. Also, associated with the purchase is a new service agreement that will apply to the new equipment in the amount of \$7,814.37. Staff recommends that City Council authorize the purchase (and installation) of audio/visual equipment along with a service agreement covering the new equipment with Onsite AV Service Partners in the total amount of \$95,289.74 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 made by Councilmember Rivera to approve RS-15-104. Motion was seconded by Councilmember Moore. Motion carried unanimously.*

### **Public Hearings**

**PH-15-059** HOLD a public hearing and consider an ordinance requested by LIBSQ II, L.P. (Case #Z15-28) to rezone Lot 10, Block 1, Bellaire Addition Section I, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is locally known as 908 Jasper Drive, Killeen, Texas.

The substitute 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-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Staff notified sixteen (16) surrounding property owners within the 200' notification area with only one property owner expressing his concerns. The Planning and Zoning Commission recommends approval of "B-2" (Local Retail District) instead of "B-3" (Local Business District) zoning for this site as the property is located at the corner of a busy signalized intersection and is an appropriate site for low-scale general office and local retail use.

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

*Motion was made by Mayor Pro-Tem Segarra to approve PH-15-059 from R-1 to B2. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**PH-15-060** HOLD a public hearing and consider an ordinance by Abdul Khan (Case #Z15-29) to rezone Lot 1, Block 1, Wassay Addition, from "CD" (Cemetery District) with a Conditional Use Permit (CUP) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for a retail store. The property is locally known as 10752 S. Fort Hood Street, Killeen, Texas.

The substitute 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 CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Staff notified three (3) surrounding property owners within a 200' notification boundary and received no protests. The Planning and Zoning Commission recommends CD with a Conditional Use Permit (CUP) with the following conditions: 100% limestone façade on the north side of the building with 80% masonry requirement on the remaining three sides, with no metal siding to be visible. A three foot (3') vegetative hedge is to be installed on the north side and west side and other landscaping requirements as required by the Cemetery District.

Mayor Cosper opened the public hearing.

Josh Welch, 3000 Illinois Av (Suite 100) from W&B Development represents a land owner with land around the zoning application area and spoke in favor of the proposed use but spoke against the zoning request due to lack of controls and restrictions on the property. Mr. Welch provided City Council with a handout of suggested architectural/facade designs to help make an attractive looking area. With no one else appearing the public hearing was closed.

Councilmember Kilpatrick stated that it is extremely important we have the architectural rendering and design to see that the sanctity and dignity of the Texas Veteran's Cemetery must be maintained noting that it is a primary entry into our city.

*Motion was made by Councilmember Blackstone to postpone PH-15-060 to the regular City Council meeting on January 12, 2016. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**PH-15-061** HOLD a public hearing and consider an ordinance requested by Steven Swartz and Gerald Nunn (Case #Z15-30) to rezone Lot 1, Block 2, Esposito Addition West from "B-

2” (Local Business District) to “R-2” (Two-Family Residential District). The property is locally known as 100 Kings Court, Killeen, Texas.

The substitute 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-2 (LOCAL RETAIL DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FO THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Staff notified fifteen (15) surrounding property owners within the 200’ notification area and received no protests. The Planning and Zoning Commission recommended approval of “R-2” (Two-Family Residential District) zoning for this site.

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

*Motion was made by Mayor Pro-Tem Segarra to approve PH-15-061. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**PH-15-062** HOLD a public hearing and consider an ordinance requested by Steven Swartz and Gerald Nunn (Case #Z15-31) to rezone Lot 1, Block 1, Esposito Addition West from “B-2” (Local Retail District) to “R-2” (Two-Family Residential District). The property is locally known as 101 Kings Court, Killeen, Texas.

The substitute 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-2 (LOCAL RETAIL 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

Staff notified thirteen (13) surrounding property owners within the 200’ notification area and received no protests. The Planning and Zoning Commission recommended approval of “R-2” (Two-Family Residential District) zoning for this site.

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

*Motion was made by Councilmember Okray to approve PH-15-062. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Segarra, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 5:50 p.m.

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Scott Cospers, Mayor

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Dianne Morrow, for City Secretary