

City of Killeen
Regular City Council Meeting
Killeen City Hall
June 27, 2017 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Jim Kilpatrick, Councilmembers Debbie Nash-King, Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Steve Harris

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

Pastor Azeez gave the invocation, and Mayor Pro-Tem Kilpatrick 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 seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Councilmember Okray to approve the minutes of the June 13th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-17-058 Consider a memorandum/resolution authorizing the award of a professional services agreement with MuniServices, LLC to conduct a sales tax compliance review.

Staff comments: Jonathan Locke

Due to the heavy reliance on sales tax to enable the City to provide the necessary services to its citizens, it is imperative that the City ensures all sales tax revenues collected within the City of Killeen are properly remitted and allocated. MuniServices's sales tax compliance review service is designed to assist the City with economic forecasting by detecting, documenting, and correcting sales tax misallocations. All fees are paid on a contingency basis with the City receiving 70% of the total revenue recovered and the consultant receiving 30%. Staff recommends that the City Council authorize the award of a professional services agreement with MuniServices, LLC to conduct a sales tax compliance review.

Motion was made by Councilmember Johnson to approve RS-17-058. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1 with Councilmember Harris opposing.

RS-17-059 Consider a memorandum/resolution authorizing additional professional services for the Liberty Ditch Bank Stabilization minor drainage capital improvement project.

Staff comments: David Olson

In September 2016, the City entered into a professional services agreement with Halff Associates, Inc. for the preliminary evaluation and final design of a permanent repair to a section of Liberty Ditch. In order to account for erosion from subsequent storms and to provide a structurally sound design, additional topographic and geotechnical services were required. This professional services agreement amendment covers that expense and

the expense to manage bid and construction phase services. Staff recommends that the City Council authorize the city manager to execute the amendment to the professional services agreement with Halff Associates, Inc. in the amount of \$31,605.00, 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-17-059. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

- RS-17-060** Consider a memorandum/resolution to approve a list of pre-qualified professional service consultants for various municipal projects.
Staff comments: David Olson
RFQ 17-10 outlines a process to identify a group of firms and joint ventures from which the City may negotiate future professional service agreements for various major capital improvement projects, minor capital improvement projects, master planning services, regulatory compliance assistance, and emergency response services. Staff recommends that the City Council approve the submitted list of firms and joint ventures deemed to be pre-qualified for professional services associated with Public Works and other municipal projects that may arise over the next three year to five year planning period within the City of Killeen and its extraterritorial jurisdiction.

Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-17-060. Motion was seconded by Councilmember Okray. Motion carried unanimously.

- RS-17-061** Consider a memorandum/resolution authorizing the Interlocal Agreement with Central Texas Council of Governments for reimbursement of costs associated with the Elderly Transportation Program.
Staff comments: Leslie Hinkle
The Area Agency on Aging of Central Texas (AAACT) is offering to provide the City reimbursement of \$6.30 per medical ride taken via taxi for those who are currently receiving services under the Elderly Transportation Program. AAAC is offering the reimbursement as a way for the City to stretch the ETP dollars, enabling more persons to utilize the program. Staff recommends that City Council authorize the City Manager to execute the Interlocal Agreement with the Central Texas Council of Governments for the provision and reimbursement of transportation services.

Motion was made by Councilmember Fleming to approve RS-17-061. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

- RS-17-062** Consider a memorandum/resolution approving Addendum No. 1 to Central Texas College (CTC) Lease at Skylark Field.
Staff comments: Matt Van Valkenburgh
The college leases 60,030 square feet of land at Skylark Field on which it has built and owns two large hangars. Staff has negotiated a lease addendum to extend the lease by three years, through July 31, 2020. Rental rates for this renewal option are proposed to increase the ground rental rate from \$0.045 to \$0.046 per square foot per month. Staff

recommends City Council approve the attached Lease Addendum No. 1 with CTC to be effective August 1, 2017, and to authorize the City Manager to execute same.

Motion was made by Councilmember Okray to approve RS-17-062. Motion was seconded by Councilmember Harris. Motion carried unanimously.

RS-17-063 Consider a memorandum/resolution approving termination of lease agreement with Jacob Paxton d/b/a Paxton Aviation at Skylark Field.

Staff comments: Matt Van Valkenburgh

On May 15, 2017, staff received a written request from Mr. Paxton requesting release from the lease agreement citing inability to pay for continued rental of the building. Staff recommends City Council approve termination of the Jacob Paxton lease agreement effective June 30, 2017, and authorize the City Manager to execute any and all necessary documentation to effect this termination.

Motion was made by Councilmember Rivera to approve RS-17-063. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-17-064 Consider a memorandum/resolution to recommend to the Employee Benefits Trust the execution of an agreement with Scott & White Health Plan for Medical Insurance and MetLife for Dental Insurance effective October 1, 2017.

Staff comments: Eva Bark

The proposed renewal rate for the SWHP FY '18 and MetLife FY '18 will not increase. The city will continue to offer employees three healthcare plans: Base Plan, Mid-Plan, and High-plan. It is recommended that City Council recommend the renewal of Scott and White Health Plan as the provider for employee medical insurance to the Employee Benefit Trust and authorize the City Manager to execute an agreement with Scott and White Health Plan for medical insurance effective October 1, 2017, and that the City Manager be authorized to execute any necessary change order in accordance with state and local law. It is recommended that the City Council recommend the renewal of MetLife as the provider for employee dental insurance to the Employee Benefit Trust and authorize the City manager to execute an agreement with MetLife for dental insurance effective October 1, 2017, and that the City Manager be authorized to execute any necessary change order in accordance with state and local law.

Motion was made by Councilmember Rivera to approve RS-17-064. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Public Hearings

PH-17-031 HOLD a public hearing and consider an ordinance requested by C. A. Doose & Company (Case#Z17-15) to rezone part of Lot 1, Block 1, Country Meadows Mobile Home Park, from "R-MH" (Residential Mobile Home District) to "R-2" (Two Family Residential District). The property is located approximately 1,400 feet south of Rancier Avenue, along the east right-of-way of Roy Reynolds 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 “R-MH” (RESIDENTIAL MOBILE HOME 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

The request is to allow for duplex use. The staff notified ten (10) surrounding property owners regarding this request. Staff has received no protests. The Planning and Zoning Commission recommended approval of the applicant’s request for “R-2” zoning by a vote of 6 to 0.

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

Motion was made by Councilmember Okray to approve PH-17-031. Motion was seconded by Mayor Pro-Tem Kilpatrick. Motion carried unanimously.

PH-17-032 HOLD a public hearing and consider an ordinance requested by Alejandro N. Lopez (Case#Z17-16) to rezone approximately two acres out of the John Essary Survey, Abstract No. 296, from “B-2” (Local Retail District) to “B-4” (Business District) for an automotive hobby shop. The property is located at 3024 Old FM 440, 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-2” (LOCAL RETAIL DISTRICT) TO “B-4” (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The request is to allow for an auto shop. Staff notified sixteen (16) surrounding property owners regarding this request. Staff has received no protests. The Planning and Zoning Commission recommended approval of the applicant’s request for “B-4” zoning by a vote of 6 to 0.

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

Motion was made by Councilmember Nash-King to approve PH-17-032. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-17-033A HOLD a public hearing and consider an ordinance requested by Catstrong, L.L.C. (FLUM# Z17-17) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from ‘Rural’ (R) to ‘General Commercial’ (GC) for 3.73 acres, being part of Francis Kennedy Survey, Abstract No. 488. The subject property is addressed as 16942 S.H.

195, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'RURAL' TO 'GENERAL COMMERCIAL' FOR 3.73 ACRES OUT OF THE FRANCIS KENNEDY SURVEY, ABSTRACT NO. 488, BEING LOCALLY KNOWN AS 16942 S. H. 195, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The request is to allow a commercial business with highway frontage. The Planning and Zoning Commission recommended approval of the applicant's request for amendment to the Future Land Use Map from 'Rural' to 'General Commercial' by a vote of 6 to 0.

Mayor Segarra opened the public hearing.

Eric Suss, 208 Bella Cimo, Austin TX. – Spoke in favor of request.

Sandra Blankenship, 174 Live Oak Cemetery Rd – Spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-17-033A. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-17-033B HOLD a public hearing and consider an ordinance requested by Catstrong L.L.C. (Case#Z17-17) to rezone 3.73 acres out of the Francis Kennedy Survey, Abstract No. 488, from "A" (Agricultural District) to "B-5" (Business District) for various commercial uses. The property is located at 16942 S. H. 195, 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 "A" (AGRICULTURAL DISTRICT) TO "B-5" (BUSINESS DISTRICT); 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 regarding this request. Staff received no protests. The Planning and Zoning Commission recommended approval of the applicant's request for "B-5" zoning by a vote of 6 to 0.

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

Motion was made by Councilmember Rivera to approve PH-17-033B. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

PH-17-034 HOLD a public hearing and consider an ordinance to repeal City Ordinance 88-124, the existing Skylark Field/Killeen Municipal Airport Rules and Regulations.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, TO REPEAL CITY ORDINANCE 88-124 KILLEEN MUNICIPAL AIRPORT RULES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Matt Van Valkenburgh

The existing Rules and Regulations for operating at and on Skylark field were adopted by Council and enacted in 1988 when the airport was the former Killeen Municipal Airport. While these rules and regulations were appropriate for the operations at that time, the operating dynamic and aircraft mix has significantly changed. Given the age of the existing rules and regulations and the advent of new FAA guidance, staff believes it prudent for a complete rewrite of the Airport's rules and regulations to reflect the change in the Airport's mission and name, to update existing policies, and to incorporate the new FAA policies. Staff recommends City Council approve the Ordinance repealing Ordinance 88-124 and authorize the City Manager to execute any and all necessary documentation to adopt, enact, and enforce the new Skylark Field Rules and Regulations as well as any and all updates to those rules.

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

Motion was made by Mayor Pro-Tem Kilpatrick to approve PH-17-034. Motion was seconded by Councilmember Rivera. Motion carried 5 to 2 with Councilmember Harris and Councilmember Johnson opposing.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 5:58 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary