

City of Killeen
Regular City Council Meeting
Killeen Utilities Collections Conference Room
July 24, 2018 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro-Tem Jim Kilpatrick, Councilmembers, Juan Rivera, Gregory Johnson, Shirley Fleming, Debbie Nash-King, and Steve Harris (arrived at 5:04 p.m.)

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

Absent: Councilmember Butch Menking

Mayor Pro-Tem Kilpatrick gave the invocation, and Mr. Jack Ralston 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 Fleming. The motion carried unanimously. Mayor Segarra announced that the order of the listed resolutions would be presented in RS numeric order beginning with RS-18-056 followed by RS-18-057, RS-18-058, RS-18-059, RS-18-060, RS-18-061.

Minutes

Motion was made by Councilmember Rivera to approve the minutes of the July 10, 2018 Regular City Council Meeting. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

Resolutions

RS-18-056 Consider a memorandum/resolution authorizing the procurement of five (5) vehicles for the Fire Department.
Staff Comments: Frank Tydlacka, Fleet Services
Funding for the acquisition of vehicles for the Fire Department was approved as part of the City's FY 2018 Budget process. The City of Killeen is a member of several purchasing cooperatives that are in compliance with Texas Local Government Code section 271.102. Purchases made through a cooperative satisfy competitive bid requirements. Quotes were solicited from four vendors that participate in cooperative agreements, which resulted in three complete quotes and one partial quote. Silsbee Ford supplied the quote representing the best value for the City. Staff recommends that City Council approve the purchase of the five (5) vehicles from Silsbee Ford utilizing Tarrant County Cooperative pricing totaling \$199,725, and that the City Manager or designee be expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Nash-King to approve RS-18-056. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-18-059 Consider a memorandum/resolution awarding Bid No. 18-13 to D. I. J. Construction for pavement marking services.

Staff Comments: David Olson, Director of Public Works.

The Street operations Division requested bids for pavement marking services on Killeen roadways. Two (2) vendors submitted bids: D.I.J. Construction and 3RD I Procurement, LLC. Street Operations bid a total of thirty-nine (39) alternates with individual line items. Out of the thirty-nine (39) alternates Street Operations has chosen to complete twelve (12) alternates within the current Fiscal Year. The remaining items will be reviewed in the work plans for coming fiscal years based upon budget availability. City staff recommends that City Council award the contract to D.I.J. Construction for pavement marking in the amount of \$263,532; authorize the City Manager to enter into a contract with the same, including the proposed terms described herein; and finally, authorize the City Manager to execute any and all change orders in the amounts established by State and Local law.

Motion was made by Councilmember Rivera to approve RS-18-059. Motion was seconded by Councilmember Harris. Motion carried unanimously.

RS-18-060 Consider a memorandum/resolution authorizing the rejection of Bid No. 18-16 for concrete, street materials, top soil, rock, and slurry seal services.

Staff Comments: David Olson, Director of Public Works.

The City of Killeen advertised for bids for the procurement of the City's estimated annual requirements of Concrete, Street Materials, Top Soil, Rock, and Slurry Seal Services. Street Operations along with Purchasing staff have evaluated the bid submissions for conformance with the bid information and instructions and recommend rejecting all the bid submittals due to the majority of unresponsiveness and lack of competitive bids available. The general instructions and preparation of bids conditions within the bid documents allow the City to reject any and all bid proposals. Following rejection, it is City staff's intent to re-advertise for competitive and responsible bidders. City staff recommends that the City Council reject the (7) seven bid submissions for Bid 18-16 Concrete, Street Materials, Topsoil, Rock, and Slurry Seal Services.

Motion was made by Councilmember Rivera to approve RS-18-060. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-18-057 Consider a memorandum/resolution authorizing the procurement of a vacuum excavator trailer for the Drainage Utility Maintenance Division.

Staff Comments: Frank Tydlacka, Fleet Services.

The City's most recent Phase II storm water permit requirement is to have an additional vacuum excavator trailer purchased by December 13, 2018 to expand its storm drain maintenance program. The City of Killeen is a member of several purchasing cooperatives that are in compliance with Texas Local Government Code Section 271.102. Purchases made through a cooperative satisfy competitive bid requirements. Quotes were solicited from three vendors that participate in cooperative agreements. Ring-O-Matic supplied the quote representing the best value for the City. Staff recommends that City Council approve the purchase of the vacuum excavator trailer from Ring-O-Matic utilizing HGACBuy (Houston-Galveston Area Council) Cooperative pricing totaling \$78,780, and that the City Manager or designee be 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-18-057. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

- RS-18-058** Consider a memorandum/resolution authorizing the award of Cisco Smart Net Services support and maintenance agreement.
Staff Comments: Tom Moore, Executive Director of Information Technology Services. Smart Net service provides escalated assistance, emergency support, and software installs/updates for all Cisco systems and devices. This purchase is through the Texas DIR purchase program, a cooperative that satisfies the city's bidding requirements pursuant to Texas Local Government Code section 271.102. Information Technology received three quotations from reliable vendors and Presidio Networked Solutions Group, LLC provides the best value. Staff recommends that the City Council authorize the purchase of Cisco Smart Net support and maintenance from Presidio Networked Solutions Group, LLC. using Texas Department of Information Resources (DIR) TSO 2542 contract, and that the City Manager or designee be expressly authorized to execute and an all change orders within the amounts set by state and local law.

Motion was made by Councilmember Nash-King to approve RS-18-058. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

- RS-18-061** Consider a memorandum/resolution adopting the Fiscal Year 2019 Capital Improvements Program for the City of Killeen.
Staff Comments: David Olson, Executive Director of Public Works. The Fiscal Year 2019 Capital Improvements Program (CIP) for the City of Killeen is a comprehensive document that provides a five-year outlook for capital projects. Once adopted, this document will serve as the guide for the preparation of the capital budget. The CIP was developed to establish a long-term commitment to the capital projects necessary to protect the health, safety, and welfare, and to sustain and improve the quality of life of the citizens of Killeen. The FY 2019 CIP was presented to City Council on June 26, 2018. Further discussion occurred on July 3, 2018. City staff recommends that the City Council adopt the FY 2019 Capital Improvement Program.

Motion was made by Councilmember Rivera to approve RS-18-061. Motion was seconded by Councilmember Nash-King. Motion carried 4 to 3 with Mayor Segarra voting in favor (breaking the tie), with Councilmembers Johnson, Fleming and Harris in opposition.

Public Hearings

- PH-18-018** Hold a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Faith Temple Church of Killeen, Texas (**Case #Z18-01**) to rezone 17.018 acres, being Lot 1, Block 1, Faith Point Church Addition from "A" (Agricultural District) to Planned Unit Development (PUD) with "SR-1" (Suburban Residential Single-Family Residential District) to allow for various land uses associated with a church campus. The property is generally located on the south side of Stagecoach Road, east of the intersection with Trimmier Road, and is locally known as 1826 Stagecoach Road, 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 PLANNED UNIT DEVELOPMENT (PUD) WITH "SR-1"

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

Staff Comments: Tony McIlwain, City Planner

This request is submitted by Mitchell & Associates, Inc. to rezone 17.018 acres, being Lot 1, Block 1, Faith Point Church Addition from “A” (Agricultural District) to Planned Unit Development (PUD) with “SR-1” (Suburban Residential Single-Family Residential District) to allow for various land uses associated with a church campus. The property is located approximately 300 feet east of Shannon Circle, and is addressed as 1826 Stagecoach Road, Killeen, Texas. The applicant proposes to construct a worship campus, which will include a 500 seat auditorium and a wide range of accessory uses, including a daycare center, restaurant/fellowship hall, counseling center, athletic center, baseball field, and amphitheater. Staff notified fourteen (20) surrounding property owners regarding this request and received four responses in opposition (Malcolm Coats - 8590 W. Trimmier Road, Gary and Elizabeth Wilson - 6909 Shannon Circle, Raymond Jennings – 6607 Wells Fargo Drive, George and Felicita Irizarry – 6907 Shannon Circle). The Planning and Zoning Commission recommends approval (by a vote of 5 to 0) of the applicant’s zoning request with the following conditions:

1. Development of the site must be substantially in compliance with the provided concept site plan. Any significant changes to the plan will require a PUD amendment or rezoning request to be approved by City Council.
2. No fewer than 165 parking spaces shall be provided with Phase One, and no fewer than 304 parking spaces shall be provided at full build-out.
3. All parking spaces shall be located a minimum of 10 feet from the east and west property lines.
4. A minimum 10-foot buffer shall be provided between the property line and the back of curb for all internal private roads.
5. One canopy tree shall be provided every 50 feet along the side property lines. Canopy trees adjacent to Phase Two may be provided with construction of future phases.
6. A minimum 6-foot wood privacy fence shall be constructed along the entire property line on the east, west, and south sides of the property. The portion of the fence that is adjacent to Phase Two, including the rear fence, may be provided with the construction of future phases.
7. A continuous landscape buffer consisting of one canopy tree every 50 feet and one shrub every 4 feet shall be provided along the front property line. The property’s 650 feet of frontage shall result in 13 canopy trees and 160 shrubs being planted along Stagecoach Road. Trees may be spaced to accommodate driveways.
8. Dumpster pads shall be either: a) located at least 30 feet from the side property lines, or, b) enclosed with a 6-foot masonry wall with metal gate.
9. All buildings within the site, including accessory buildings, workshops, storage buildings, and mechanical buildings, shall be 80% masonry (brick, stucco, or stone) on all four sides, excluding doors, windows, and gables. Fiber cement siding shall not be considered masonry.
10. All site lighting, including parking lot lighting, shall be fully shielded and shall not be permitted to trespass, or cross over the property line. Architectural and landscape up-lighting shall be prohibited.

11. The hours of operation for the softball field shall be limited to sunrise to sunset. No lighting shall be permitted for the softball field.
12. One permanent double-faced sign shall be permitted at the front of the campus, and shall comply with the following standards:
 - a. Each side of the double-faced sign shall not exceed 100 square feet in face area, with the electronic message display being not more than 50 square feet of the total area allowed for each side.
 - b. The sign shall be set back a minimum of ten (10) feet from the front property line.

Note: Staff recommends approval of the request with the following conditions – One permanent double-faced sign shall be permitted at the front of the campus, and shall comply with the following standards:

- c. The sign shall be limited to twenty (20) feet overall height.
 - d. Sign illumination shall cease between the hours of 10:00 p.m. and 6:00 a.m.
13. The western driveway of the property shall be a non-divided two or three lane driveway, consisting of one ingress lane and one or two egress lanes. The western driveway shall be aligned with the opposing Wells Fargo Road.
14. Trip generation data shall be calculated and submitted to the City Engineer before the issuance of any permits. Upon review of the trip generation calculations, any improvements deemed necessary by the City Engineer shall be provided by the developer, including but not limited to turn lanes, acceleration and deceleration lanes, and/or traffic signals. If a mutual agreement and acceptance of trip generation analysis and/or proposed improvements between the developer and City Engineer cannot be reached, a binding Traffic Impact Analysis will be required.

Mayor Segarra opened the public hearing.

Mellisa Brown, 6105 Melanie Drive, requested for council to consider safety with increased traffic in the neighborhood, the long term effects of rezoning the land to a PUD and not being able to change it if the church sales the land, and the amount of people that submitted their opposition of the rezoning both written and at the Planning and Zoning meeting.

Holly Teel, 1704 Hooten Street, expressed her concerns on the environment and health effects of increased vehicular traffic associated with the rezone.

With no one else appearing, the public hearing was closed.

Councilmember Nash-King requested that the public hearing be reopened to allow additional audience members to speak (ones that had not filled out the form prior to the meeting beginning). Prior to opening the public hearing discussions occurred concerning the noise of outdoor events held at the proposed amphitheater. If noise became an issue, the Police Department could be called to enforce the noise ordinance if a waiver to the ordinance was not obtained.

Mayor Segarra re-opened the public hearing.

Brad Retz, 1878 E. Stagecoach Road, speaking for himself and on behalf his neighbor; Mr. Retz informed city council that their concerns included: the possible effects commercial/parking lot

lighting could have in this rural area, the neighboring residents would like careful consideration of an approved fence – it should be one that could stand up to the weather, it should last a long time and should not deteriorate, and they did not want to see the proposed café/businesses allowed on the site.

Amy Retz, 1878 E. Stagecoach Road, expressed her concerns on the size of the proposed sign, drainage, and increased traffic.

Brad Oaster, member of design team with the church project, spoke in favor of the request identifying how the team has been working with city staff to identify and mitigate the concerns that have been brought up. He advised that three different fence options have been offered. Mr. Oaster offered to split the cost of any requested upgraded fence 50/50 with neighbors since the fence would be half of both property owners.

With no one else appearing, the public hearing was closed.

Motion was made by Mayor Pro-Tem Kilpatrick to postpone PH-18-018 to the next council meeting, allowing staff to provide a status on lighting, fencing, signage, traffic count and drainage at the next workshop. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Fleming, seconded by Councilmember Harris, and unanimously approved, the meeting was adjourned at 6:19 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary