

City of Killeen
Regular City Council Meeting
Killeen Utilities Collections Conference Room
October 30, 2018 at 5:00 p.m.

Presiding: Mayor Jose Segarra

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

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

Ms. Andrea Womack gave the invocation, and Mayor Pro Tem Kilpatrick joined by Romeo Wilson 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 was seconded by Councilmember Fleming. The motion carried unanimously.

Citizens Petitions

Ms. Mellisa Brown, 6105 Melanie Drive – spoke on capital improvement projects in the fiscal year 2019 budget.

Mr. Lee Huggins, 12023 Cabana Lane, Austin, Texas – spoke on public private partnerships.

Minutes

Motion was made by Mayor Pro Tem Kilpatrick to approve the minutes of the October 16, 2018 Regular City Council Meeting. Motion was seconded by Councilmember Menking. Motion carried unanimously.

Resolutions

RS-18-091 Consider a memorandum/resolution appointing members to the Youth Advisory Commission.

Staff Comments: Brett Williams, Executive Director of Community Services. Mr. Williams gave a brief background of the Youth Advisory Commission and identified 32 students that were interviewed and are being recommended for appointment to the 2018-2019 Youth Advisory Commission. Staff recommends that council appoint the nominated individuals.

Motion was made by Councilmember Menking to approve RS-18-091. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-18-093 Consider a memorandum/resolution appointing Council Members to Killeen Economic Development Corporation Board.

Staff Comments: Kathy Davis, City Attorney.

Ms. Davis advised city council that following the annual appointments of council members to various boards, commissions and committees; Councilmember Rivera and Councilmember Nash-King requested to be replaced on the Killeen Economic Development Corporation Board. During the October 23, 2018 Council Workshop Meeting, City Council recommended that Councilmember Fleming and Councilmember Kilpatrick be considered to fill the two seats previously held by Mr. Rivera and Ms. Nash-King.

Motion was made by Councilmember Nash-King to approve RS-18-093. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-18-094 Consider a memorandum/resolution to approve a customer facility charge at Killeen Fort Hood Regional Airport.

Staff Comments: Mike Wilson, Aviation Operations Manager.

Mr. Wilson provided a brief background of the customer facility charge (CFC) identifying it as a user fee imposed by an airport operator on each rental car user, collected by rental car companies. This resolution is to provide for the continuation of the CFC to fund the operations and maintenance of the rental car area facilities, provide for infrastructure and roadway improvements for the facility, and to provide funding for a major upgrade to the rental car area. The upgrade includes relocating the unleaded fueling facility from its current location to the quick-turn facility area, expand the existing ready lot, relocate the car wash and cleaning facilities, and provide additional storage area for vehicles. Due to the undertaking of this major project, staff has proposed an increase in the CFC from \$2.00 to \$3.00 per transaction day. Staff recommends that City Council approve the resolution and authorize the City Manager or designee to execute the same.

Motion was made by Councilmember Fleming to approve RS-18-094. Motion was seconded by Councilmember Menking. Motion carried 6 to 1 with Councilmember Johnson in opposition.

RS-18-095 Consider a memorandum/resolution to implement a privilege fee for non-tenant rental car companies providing customer services at the Killeen Fort Hood Regional Airport and Skylark Field.

Staff Comments: Mike Wilson, Aviation Operations Manager.

Mr. Wilson identified that the Killeen-Fort Hood Regional Airport leases retail facilities in the terminal building to various businesses to provide appropriate services to the public as well as to provide revenue sources for the airport enterprise fund; the rental car industry is one such business. However, off-airport, non-tenant motor vehicle rental services are authorized at each of the airports for the accommodation of passengers arriving and departing from the airport, and these non-tenant providers rent motor vehicles to the general public from a location or locations based off of the airports. This resolution would establish fees to be collected from off-airport non-tenant rental car companies (providers) providing customer services (e.g., passenger pick-up or drop-off) to passengers for motor vehicles for rent to offset the costs of operation of the airport. Staff has proposed, effective beginning on January 1, 2019, an Off-Airport Privilege Fee of ten-percent (10%) of providers gross revenue, for all revenue related to customer

services at Killeen-Fort Hood Regional Airport or Skylark Field Airport. Staff recommends that City Council approve the resolution and authorize the City Manager or designee to execute the same.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-18-095. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1 with Councilmember Johnson in opposition.

RS-18-096 Consider a memorandum/resolution authorizing the award of Bid No. 19-02 for Petroleum Products and Diesel Exhaust Fluid (DEF).

Staff Comments: Frank Tydlacka, Fleet Manager.

Mr. Tydlacka advised that bids in response to Bid No. 19-02 were opened and read aloud on September 7, 2018. Six vendors submitted bids, two vendors are recommended for two different portions of the City's petroleum products and DEF needs. American Lube Supply submitted the most cost effective petroleum product bid and Arnold Oil Company submitted the most cost effective DEF bid. Staff recommends that City Council award purchase agreements to American Lube Supply and Arnold Oil Company for their respective portion of Bid Number 19-02, and that the City Manager or designee be authorized to execute the agreements and any change orders as permitted by state and local law.

Motion was made by Councilmember Johnson to approve RS-18-096. Motion was seconded by Councilmember Harris. Motion carried unanimously.

RS-18-097 Consider a memorandum/resolution authorizing the award of a Professional Services Agreement with Walker Partners, LLC for the Chaparral Road Wastewater Improvements Project.

Staff Comments: David Olson, Executive Director of Public Works.

Mr. Olson gave a brief overview of the project. Walker Partners, LLC has submitted a proposal in the amount of \$259,110 to design the project and to administer the construction contract. Funding for this project is available in the 2013 Water and Sewer Bond and the project is also included in the FY 2019 CIP. Staff recommends that the City Council authorize the City Manager to enter into a Professional Services Agreement with Walker Partners, LLC for the Chaparral Road Wastewater Improvements Project in the amount of \$259,110 and that the City Manager is expressly authorized to execute any and all changes within the amounts set by state and local law.

Motion was made by Councilmember Rivera to approve RS-18-097. Motion was seconded by Councilmember Nash-King. Motion carried 5 to 2 with Councilmember Harris and Councilmember Johnson in opposition.

RS-18-098 Consider a memorandum/resolution authorizing the award of a Professional Services Agreement with Kasberg, Patrick and Associates, LLC for the Water Line Rehabilitation Phase 3 Project.

Staff Comments: David Olson, Executive Director of Public Works.

Mr. Olson gave a brief overview of the project. Kasberg, Patrick and Associates, LLC has submitted a proposal in the amount of \$193,700 to design the project and to administer the construction contract. Funding for this project is available in the

2013 Water and Sewer Bond and the project is also included in the FY 2019 CIP. Staff recommends that the City Council authorize the City Manager to enter into a Professional Services Agreement with Kasberg, Patrick & Associates, LLC for the Water Line Rehabilitation Phase 3 Project in the amount of \$193,700 and that the City Manager is expressly authorized to execute any and all changes within the amounts set by state and local law.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-18-098. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-18-099 Consider a memorandum/resolution to enter into a Memorandum of Understanding with Bell County on behalf of Bell County Communications Center.

Staff Comments: Charles Kimble, Chief of Police.

Chief Kimble provided a brief background of the services that the Bell County Communications Center provides and identified the requirement for a back-up Public Safety Answering Point for call taking and dispatch services to the county in the event of service disruption at the main Belton site. Currently this secondary location is at the Killeen Police Department Headquarters and is suited for four positions. Bell County has requested that this space be expanded to suit 15 positions. The proposed Memorandum of Understanding allows for Bell County to be responsible for the purchase and maintenance of equipment and the payment of personnel when activated. The City of Killeen will provide the space rent free. Staff recommends that the City Council approve the Memorandum of Understanding with Bell County on behalf of the Bell County Communications Center and authorize the City Manager, or his designee, to execute the agreement.

Motion was made by Councilmember Nash-King to approve RS-18-099. Motion was seconded by Councilmember Menking. Motion carried unanimously.

Public Hearings

PH-18-033 **HOLD** a public hearing and consider an ordinance submitted by Quintero Engineering, L.L.C. on behalf of JMJ Acquisitions, L.L.C. (**Case #Z18-08**) to rezone Lot 5, Block 1, Rosewood Commercial, from "B-3" (Local Business District) to a Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) for an apartment complex. The property is locally known as 3701 Rosewood, 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-3" (LOCAL BUSINESS DISTRICT) TO 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, City Planner

The subject property consists of approximately 16.12 acres and is currently undeveloped. It is generally located on the west side of Rosewood Drive, south of the intersection with East Central Texas Expressway. Staff notified one hundred and twenty-one (121) surrounding property owners within 400 feet of the subject property and has received six responses to the request. Five of the the responses included concerns of drainage improvements, crime, noise, impact of property values, and increased traffic. One of the responses received is in support of the request. The Planning and Zoning Commission recommended approval of the requested zoning change with the following conditions by a vote of 6-0 during their October 1, 2018 meeting (Commissioner Alvarez abstained from voting):

1. Approval of the PUD, which grants an exception to the thirty-five (35) feet requirement for PUD developments. The underlying "R-3A" zoning district contains a provision that allows for an additional one (1) foot to every applicable setback distance as provided under Code section 31-256.3 for each two (2) feet of additional building or structure height over thirty-five (35) feet.
2. Approval of the PUD, which grants an exception to the thirty-six (36) feet continuous paving section requirement for PUD developments; this is applicable to the illustrated 25' passage easement.
3. The PUD concept Plan shall illustrate a 6' tall screening fence (stone, brick or block, wrought iron) adjacent to Lots 5-10, Block 9, of the Morning Glen Subdivision; the applicant has stated that their preference is for a wood privacy fence.
4. The brick veneer for the side (right and left) elevations of the nine multifamily structures shall be extended to the second floor; and
5. In accordance with Code Section 31-256.5, the developer shall provide three color variations (for non-masonry exterior building materials) between the nine buildings with buildings 1, 2, 4 and 5 being one color standard; buildings 3 and 6 as a second color standard; and buildings 7, 8 and 9 as a third color standards.

Mayor Segarra invited the Applicant to speak:

Pedro Quintero with Quintero Engineering spoke in favor of the request and identified suggestions that Planning and Zoning requested confirming the applicant would be able to comply.

Tim Burton with JMJ Acquisitions spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mellisa Brown, 6105 Melanie Drive – spoke on behalf of Killeen citizen Shevaun Shingleton, 5405 Southern Belle Drive and herself who were both against the request.

Chet Southworth, 5302 Deerwood Trail – spoke against the request.

Tammy Hoffman, 6109 Siltstone Loop – spoke against the request.

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

Pedro Quintero, Quintero Engineering addressed concerns brought up during the public hearing (crime and traffic).

Motion was made by Mayor Pro Tem Kilpatrick to approve PH-18-033. Motion was seconded by Councilmember Nash-King. Motion carried 5 to 2 with Councilmember Harris and Councilmember Fleming in opposition.

PH-18-034 HOLD a public hearing and consider an ordinance submitted by WBW Development on behalf of C. A. Dosse and Company (**Case #Z18-21**) to rezone part of Lot 1, Block 1, Country Meadows Mobile Home Park, consisting of approximately 45.106 acres, from "R-2" (Two-Family Residential District) and "R-MH" (Residential Mobile Home District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District) and "R-2" (Two-Family Residential District) uses. The property is generally located on the east side of North Roy Reynolds Drive, approximately 1,000 feet south of the intersection with East Rancier Avenue in 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 PART OF LOT 1, BLOCK 1, COUNTRY MEADOWS MOBILE HOME PARK, CONSISTING OF APPROXIMATELY 45.106 ACRES, FROM "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT) AND "R-MH" (RESIDENTIAL MOBILE HOME DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISION; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Tony McIlwain, City Planner

The subject property consists of approximately 45.106 acres and is currently undeveloped. It is generally located on the east side of Roy Reynolds Drive, south of the intersection with Rancier Avenue. The applicant has proposed a Planned Unit Development, which would include a mixture of single-family homes and duplexes. The proposed PUD includes the following development standards:

- 45 "R-2" duplex lots and 167 "SF-2" single-family lots.
- Reduced right-of-way width for one of the local streets from 60 feet to 50 feet.
- Reduced front yard setback from 25 feet to 20 feet for the "SF-2" single-family lots.
- Increased minimum lot depth from 100 feet to 105 feet for the "SF-2" single-family lots.
- Reduced side yard setback from 7 feet to 5 feet for the "R-2" duplex lots.
- All other requirements for "R-2" and "SF-2", as outlined in Chapter 31, will be met.

Staff notified sixty-two (62) surrounding property owners within 400 feet of the subject property regarding this request. Staff received one response in support from Tim Boose, who owns the property located adjacent to the southwest corner of the subject property.

The Planning and Zoning Commission recommends approval (by a vote of 7 to 0) of the PUD subject to the following conditions:

1. Connectivity:

Sixty (60) feet wide stub out streets shall connect to the existing platted street to the east of the PUD (Woodbine Drive) and to the undeveloped property to the south (Property ID No. 383234).

One Emergency Access Easement (Easement) shall be provided on the north side of the PUD and shall tie into Country Meadows Loop. The Easement shall be a minimum of twenty (20) feet in width, paved with an all-weather surface to be approved by the City's Fire Marshall, and equipped with a Knox Box.

2. Landscaping:

Each residential lot shall be fully sodded, contain five (5) 5-gallon shrubs, three (3) 3-gallon shrubs and have a minimum of two (2) six (6) foot tall canopy trees at least two (2) inch caliper in size. One (1) tree shall be located in the front yard, and one (1) tree shall be located in the backyard of each lot.

All landscaping must be in place upon final inspection unless an extension is granted in writing by the Building Official. Such extension shall not exceed sixty (60) days.

3. Architectural Design:

Each residential structure shall have a minimum of 100% masonry on the front elevation and 50% masonry on each side elevation, exclusive of windows, doors, gables, eaves, soffits, walls above roof lines, porches and patios at least four foot by eight foot (4'x8') in size. Masonry shall include brick, stucco, or stone, but shall not include fiber-cement siding.

The same elevation shall not be repeated within any grouping of five (5) lots on the same side of the street, and shall not be repeated directly across the street, or on a diagonal.

4. "SF-2" (Single-Family Residential) Lots:

Rear yard setbacks shall be reduced from twenty (20) feet to fifteen (15) feet and minimum lot depth shall be increased from one hundred (100) feet to one hundred and five (105) feet.

5. "R-2" (Two-Family Residential) Lots:

No more than forty-five (45) duplex lots shall be provided within the PUD and side yard setbacks shall be reduced from seven (7) feet to five (5) feet.

All "R-2" lots shall front on a sixty (60) foot wide right-of-way.

Mayor Segarra invited the Applicant to speak:

Josh Welch with WBW Development spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mellisa Brown, 5106 Melanie Drive – spoke in favor of the request.

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

Motion was made by Councilmember Menking to approve PH-18-034. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Mayor Pro Tem Kilpatrick, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 6:40 p.m.