

City of Killeen
Regular City Council Meeting
Killeen City Hall
February 26, 2019 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 Gilman.

Mr. Jones 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 was seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Mayor Pro Tem Kilpatrick to approve the minutes of the February 12, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Resolutions

- RS-19-018** Consider a memorandum/resolution to upgrade Microsoft email services.
Staff Comments: Colen Wilson, Interim Executive Director of Information Technology Services.
Mr. Wilson provided an overview of the agenda item reviewing the history and background of the current email product, MS Exchange 2010. With this product reaching its end of lifecycle for support in January 2020, staff provided city council three options as it pertains to upgrading email services. The options consisted of Exchange 2010 which would ultimately result in a system failure, Exchange 2019 which has an estimated lifecycle through 2025 which could result in downtime and lost production as it nears its end of life, the third option is Exchange 365 which is Microsoft hosted and has a 99.99% guaranteed uptime. City staff and City of Killeen Information Technology consultant, recommend the city council approve the MS Exchange 365 Hosting upgrade and authorize the City Manager, or designee, to execute the terms and conditions of the agreement as allowed by state and local law.

Motion was made by Councilmember Rivera to approve RS-19-018. Motion was seconded by Councilmember Menking. Motion failed 3 to 4 with Councilmember Fleming, Councilmember Johnson, Councilmember Harris and Councilmember Nash-King in opposition.

RS-19-019 Consider a memorandum/resolution to hold a joint general election with Killeen Independent School District and Central Texas College.

Staff Comments: Kathy Davis, City Attorney.

On May 4, 2019 a general election will be held jointly with the Killeen Independent School District (KISD) and Central Texas College (CTC) in the City of Killeen. When an election is held jointly, state law requires a joint election agreement laying out each entity's responsibility and costs to be generated. Separate agreements for early voting and election day have been developed and are provided for review. Election expenses are initially paid by the city with KISD and CTC reimbursing the city for one-third each of the shared election costs. City staff recommends city council approve the early voting and election day joint election agreements with KISD and CTC and authorize the City Manager, or designee, to enter into the agreements.

Motion was made by Councilmember Fleming to approve RS-19-019. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-020 Consider a memorandum/resolution authorizing an election services contract with Bell County for election services and computer software usage in support of the 2019 general election.

Staff Comments: Kathy Davis, City Attorney.

Every odd year election (2019), Bell County leases election equipment to the city. In addition to leasing the equipment, Bell County also offers the following services: procure and distribute election supplies, machines and equipment; transport machines to and from polling locations; and perform necessary maintenance or repair of furnished machines. The voting equipment is the same machines that were used in the November 2018 election. City staff recommends city council authorize the City Manager, or designee, to enter into an election services agreement with Bell County in support of the 2019 general election.

Motion was made by Councilmember Rivera to approve RS-19-020. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-19-021 Consider a memorandum/resolution issuing Aero-Nautical Services, LLC an operating authority.

Staff Comments: Kathy Davis, City Attorney.

Aero-Nautical Services, LLC (ANS) has filed an application seeking authority to provide airport shuttle and charter services. ANS has operated since 2004, their current franchise expired December 31, 2018. The application submitted is complete and in compliance with ordinance requirements. Staff recommends approval of the operating authority application from ANS.

Motion was made by Councilmember Menking to approve RS-19-021. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-19-022 Consider a memorandum/resolution authorizing the procurement of fleet replacement vehicles.

Staff Comments: Jon Locke, Executive Director of Finance.

A total of 16 pieces identified on the approved fleet replacement schedule are being purchased for Public Works. Funds are available and staff recommends that city council approve the procurement of the fleet, and that the City Manager, or designee, be authorized to execute any change orders as permitted by state and local law.

Motion was made by Councilmember Rivera to approve RS-19-022. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1, with Councilmember Fleming abstaining from the vote which results in a "no" vote (no legal reason from abstaining was provided).

RS-19-023 Consider a memorandum/resolution to accept proposed changes to the Financial Governance Policy.

Staff Comments: Jon Locke, Executive Director of Finance.

Following the adoption of the Financial Governance Policy December 19, 2017, staff has identified and presented to city council proposed amendments during the January 22, 2019 workshop. Additional amendments recommended by staff and city council were presented to city council at the February 5, 2019 workshop. With no further discussion following the mentioned meetings, staff recommends that city council accept the proposed changes to the Financial Government Policy.

Motion was made by Councilmember Fleming to approve RS-19-023. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-024A Consider a memorandum/resolution supporting the implementation of an Outdoor Fitness Court at Lions Club Park.

Staff Comments: Brett Williams, Executive Director of Community Services.

Mr. Williams identified that this agenda item along with the next two (RS-19-024B and RS-19-024C) would be briefed as one. He described that an outdoor fitness court is basically an outdoor bodyweight circuit training system. It is a progressive system designed for people of all fitness levels. This free public access features a smart phone application that provides instruction on the use of equipment. There are over 100 other locations in the United States where this fitness court has been installed. The project would be located at Lions Club Park. The three steps for this agenda item are to 1) accept the Junior Service League of Killeen donation in the amount of \$75,000; 2) accept the National Fitness Campaign grant in the amount of \$30,000; 3) authorize the expenditure of \$93,500 for the outdoor fitness court; and 4) approve a resolution of support for the National Fitness Campaign. The City of Killeen has the funds available to commit \$30,000 to the project also. City staff recommends City Council approve the resolution supporting the National Fitness Campaign and the construction of the Outdoor Fitness Court.

RS-19-024B Consider a memorandum/resolution authorizing an agreement with the Junior Service League of Killeen for a \$75,000 contribution to construct an Outdoor Fitness Court.

Staff Comments: Brett Williams, Executive Director of Community Services. Mr. Williams identified that this agenda item along with the one before this and the next one (RS-19-024A and RS-19-024C) are being briefed as one. He described that an outdoor fitness court is basically an outdoor bodyweight circuit training system. It is a progressive system designed for people of all fitness levels. This free public access features a smart phone application that provides instruction on the use of the equipment. There are over 100 other locations in the United States where this fitness court has been installed. The project would be located at Lions Club Park. The three steps for this agenda item are to 1) accept the Junior Service League of Killeen donation in the amount of \$75,000; 2) accept the National Fitness Campaign grant in the amount of \$30,000; 3) authorize the expenditure of \$93,500 for the outdoor fitness court; and 4) approve a resolution of support for the National Fitness Campaign. The City of Killeen has the funds available to commit \$30,000 to the project also. City staff recommends City Council authorize the City Manager to enter into an agreement with the Junior Service League of Killeen to accept a \$75,000 contribution for the construction of an Outdoor Fitness Court.

RS-19-024C Consider a memorandum/resolution authorizing the acceptance of a \$30,000 grant from the National Fitness Campaign and the purchase of the Outdoor Fitness Court.

Staff Comments: Brett Williams, Executive Director of Community Services. Mr. Williams identified that this agenda item along with the two before this one (RS-19-024A and RS-19-024B) are being briefed as one. He described that an outdoor fitness court is basically an outdoor bodyweight circuit training system. It is a progressive system designed for people of all fitness levels. This free public access features a smart phone application that provides instruction on the use of the equipment. There are over 100 other locations in the United States where this fitness court has been installed. The project would be located at Lions Club Park. The three steps for this agenda item are to 1) accept the Junior Service League of Killeen donation in the amount of \$75,000; 2) accept the National Fitness Campaign grant in the amount of \$30,000; 3) authorize the expenditure of \$93,500 for the outdoor fitness court; and 4) approve a resolution of support for the National Fitness Campaign. The City of Killeen has the funds available to commit \$30,000 to the project also. City staff recommends that the City Council authorize acceptance of the National Fitness Campaign Grant in the amount of \$30,000 and the purchase of the Outdoor Fitness Court from the National Fitness Campaign in the amount of \$120,000 (\$93,500 following the grant being applied and shipping and handling) and that the City Manager, or designee, 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-19-024A, RS-19-024B, and RS-19-024C. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-025 Consider a memorandum/resolution to enter into a Memorandum of Understanding with the Killeen Independent School District Police Department.
Staff Comments: Charles Kimble, Chief of Police.
Chief Kimble provided a brief background of the memorandum of understanding between the city and Killeen Independent School District (KISD) that has been operational since 2006. There are no substantive changes; however, there are new signatories. The agreement renews automatically each year up to five years. Staff recommends that city council approve the memorandum of understanding with KISD Police Department and authorize the City Manager, or designee, to execute the agreement.

Motion was made by Councilmember Johnson to approve RS-19-025. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-19-026 Consider a memorandum/resolution to enter into a Memorandum of Understanding with the Texas A&M University-Central Texas Police Department.
Staff Comments: Charles Kimble, Chief of Police.
Chief Kimble provided a brief background of the memorandum of understanding (MOU) between the city and Texas A&M University-Central Texas Police Department. The MOU clarifies procedures for mutual aid, communications and operations. There are no substantive changes; however, there are new signatories. The agreement renews automatically each year up to five years. Staff recommends that city council approve the memorandum of understanding with Texas A&M University-Central Texas Police Department and authorize the City Manager, or designee, to execute the agreement.

Motion was made by Councilmember Menking to approve RS-19-026. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-19-027 Consider a memorandum/resolution entering into a management services agreement for mixed beverage service operations for the Killeen Civic and Conference Center Complex (with invited testimony from the three proposers).
Staff Comments: Leslie Hinkle, Executive Director of Community Development.
Based on a recommendation from the last alcohol audit conducted by the City Internal Auditor, city staff developed a request for proposals (RFP) for mixed beverage service since an RFP has not been done in several years. Ms. Hinkle went over the results of the submitted proposals, which were received from three different vendors. City staff recommends that city council authorize the City Manager, or designee, to execute the management services agreement with Let Us Do the Cooking, LLC effective March 15, 2019 for a period of two years, with an option to extend the agreement by up to two (2) additional two (2) year terms, and that the City Manager, or designee, is authorized to execute any and all change orders in compliance with local policy or state law.

Mayor Segarra invited the three applicants an opportunity to speak before city council:

Sam Halibi with SH YH, LLC dba Jester's spoke on behalf of the proposal his company submitted.

Meredith Viguers with Let Us Do the Cooking spoke on behalf of the proposal her company submitted.

No representatives from Shilo Inn spoke following the invitation.

Motion was made by Councilmember Rivera to approve RS-19-027. Motion was seconded by Councilmember Menking. Motion carried 5 to 2 with Councilmember Johnson in opposition and Mayor Pro Tem Kilpatrick abstaining from the vote, resulting in a "no" vote (no legal reason from abstaining was provided).

RS-19-028 Consider a memorandum/resolution entering into an agreement with Routeware, Inc., to provide GPS tracking system for the City of Killeen's solid waste fleet optimization.

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

Mr. Olson provided a brief background and history of the Routeware system and how it has been beneficial to the solid waste operations. City staff recommends that the city council authorize the City Manager, or his designee, to approve the Routeware, Inc., support addendum to the master agreement for services from January 1, 2019 to December 31, 2021; billed on an annual basis, using the full allocation of funds in the amount authorized in the Solid Waste annual budget.

Motion was made by Councilmember Menking to approve RS-19-028. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Ordinances

OR-19-003 Consider an ordinance amending Chapter 28, Article IX to repeal construction zone speed limits and establish the maximum speed limit on specifically designated streets.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, MISCELLANEOUS RULES OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY REPEALING CONSTRUCTION ZONE SPEED LIMITS AND ESTABLISHING THE MAXIMUM SPEED LIMIT ON CERTAIN DESIGNATED STREETS; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

As a housekeeping measure, this amendment codifies all speed limits in Killeen, placing all speed limits in a single location in the code of ordinances. There is a single change to the codified speed limits on Elms Road from State Highway 195 to Clear Creek Road (35 mph). City staff recommends that this ordinance, to amend, Chapter 28, Article IX be approved to allow the City of Killeen to

establish speed limits on these specified streets to ensure the safety and welfare of the motoring public. The recommended speed limits are based on completed speed studies (engineering and traffic investigations) performed by either city staff or TxDOT with guidance provided by the Texas Manual on Uniform Traffic Control Devices.

Motion was made by Councilmember Fleming to approve OR-19-003. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

OR-19-004 Consider an ordinance amending Chapter 8, Building and Construction Regulations, and Chapter 31, Zoning, Article I, Article IV, and Article V of the Killeen Code of Ordinances for accessory structure and fence regulations.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTERS 8 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE I IN GENERAL, ARTICLE IV DISTRICT REGULATIONS, AND ARTICLE V SUPPLEMENTAL REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning and Development Services.

Staff has evaluated multiple sections of Chapters 8 and 31 in the Code of Ordinances in order to provide amendments that are beneficial to the citizens and business owners of the City of Killeen. Overall, the amendments provide clarity to definitions, reduce side and rear yard setbacks and provide compatibility with side and rear fence height. Staff is of the determination that the proposed changes are more "code-friendly" to the citizens, but doesn't reduce community character. The Planning and Zoning Commission recommend approval of the ordinance amendments, as presented, by a vote of 7 to 0.

Motion was made by Mayor Pro Tem Kilpatrick to approve OR-19-004. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Public Hearings

PH-19-003 **HOLD** a public hearing and consider an ordinance submitted by the Gary Purser Jr. 2000 Trust (**FLUM#19-01**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' designation to a 'General Commercial' designation for 7.858 acres and from a 'Rural' designation to a 'General Residential' designation for 79.117 acres for the property located at 5601 Clear Creek Road (S.H. 201), Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN COMMERCIAL' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY 7.858 ACRES AND 'RURAL' TO 'GENERAL RESIDENTIAL' FOR

APPROXIMATELY 79.117 ACRES FOR PROPERTY LOCATED AT 5601 CLEAR CREEK ROAD (S.H. 201), KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning and Development Services.

Mr. McIlwain reviewed the current Suburban Commercial and Rural designations, as well as, the requested General Commercial and General Residential designations. The Planning and Zoning Commission recommends approval of amending the FLUM from 'Rural' to 'General Residential' for 79.117 acres (6 to 1 vote). The Commission recommends disapproval of amending the FLUM from 'Suburban Commercial' to 'General Commercial' for the 7.858 acres (6 to 1 vote) fronting Clear Creek Road (S.H. 201).

Mayor Segarra invited the applicant to speak.

Gary Purser, Jr., 6503 Wells Fargo, spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mellisa Brown, 6105 Melanie Drive, spoke against the request.

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

Motion was made by Councilmember Rivera to approve PH-19-003. Motion was seconded by Councilmember Menking. Councilmember Fleming made an amended motion to postpone the agenda item until the Planning staff has an opportunity to speak with KISD, Fort Hood Garrison staff and City of Killeen Police and Fire Departments in reference to any concerns they may have with this request. Councilmember Johnson seconded the amended motion. Motion carried 6 to 1 with Councilmember Rivera in opposition. Mayor Segarra called for a vote on the main motion as amended. Motion as amended, carried 6 to 1 with Councilmember Rivera in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 7:24 p.m.