

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
September 24, 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 Gillman.

Lt. Aaron Millin gave the invocation; and Ayonnah Edwards (Rancier Middle School) and ArJune (Maud Moore Wood Elementary School) 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 Menking. The motion carried unanimously.*

**Citizens Petitions**

Ms. Carol Wilson - HOP Funding and Routes.

Ms. Claudia Brown - National Night Out.

**Citizens Comments**

Mellisa Brown - spoke on Agenda Items PH-19-026A and RS-19-101.

James Ralston - spoke on Agenda Item PH-19-026A.

Johnny Frederick - spoke on Agenda Item PH-19-026A & B.

Dick Young - spoke on Agenda Item PH-19-026.

Bonita Henderson - spoke on Agenda Item RS-19-101.

Gary Purser - spoke on Agenda Item PH-19-026A.

**Consent Agenda**

**MN-19-022** Consider Minutes of Special City Council Meeting of September 3, 2019.

**MN-19-023** Consider Minutes of Regular City Council Meeting of September 10, 2019.

**RS-19-087** Consider a memorandum/resolution accepting / ratifying a Federal Aviation Administration Military Airport Program Grant.

**RS-19-099** Consider a memorandum/resolution accepting TxDOT Routine Airport Maintenance Program (RAMP) grants.

- RS-19-100** Consider a memorandum/resolution authorizing a maintenance agreement with The Brandt Companies, LLC for HVAC preventive maintenance at the Police Department.
- OR-19-024** Consider an ordinance designating the City Manager as the pricing officer and authorizing the issuance and sale of City of Killeen, Texas, Waterworks and Sewer System Revenue Refunding Bonds in one or more series.
- OR-19-025** Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp, Mid-Tex Division, regarding the 2019 Rate Review Mechanism Filing.

The City Secretary read the caption of ordinance; agenda item OR-19-024.  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF KILLEEN, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

The City Secretary read the caption of ordinance; agenda item OR-19-025.  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

*Motion was made by Councilmember Menking to approve consent agenda items. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

### **Resolutions**

- RS-19-101** Consider a memorandum/resolution declaring vacancies and appointing citizen members to Board of Adjustment - Construction, Capital Improvement Advisory Committee, Killeen Volunteers, Inc and Senior Citizen Advisory Board.

**Staff Comments:** Kathy Davis, City Attorney.

Staff recommends that City Council find board member seats with identified attendance infractions as vacant due to absences; remove Klaus Adam from the Senior Citizen Advisory Board as recommended on September 10, 2019; and appoint new member individuals to fill identified vacancies and expired terms (no new member appointments are needed for the Capital Improvement Advisory Committee).

**Board of Adjustment - Construction:**

Remove Lee Mitchell as he has reached his term limit and replace him with Mr. P. Juan Rivera, retired general contractor.

**Capital Improvement Advisory Committee:**

Remove Kathy Jo Harkin, Gary Purser, Jr., Sulied Ponce Diaz, and Elijah McMeen from committee due to attendance infractions. No new member appointments are needed. On September 10, city council reduced the number of members from 15 to 10.

**Killeen Volunteers, Inc:**

Replace Larry Holly whose term has expired with Kriskeya Price

Replace Rachel Brent who has reached term limits with John Jones

Replace Michael Hodges who resigned with Latrice McBride

Replace Roxanne Flores-Achmad who resigned with Estanislado Soto

Replace Margaret Tucker who resigned with Tracy Hillman

Replace James Crossman who resigned with Michelle Brown who will serve an unexpired term (18-20).

Replace Novice McDaniel who has attendance infraction with Luvina Sabree who will serve an unexpired term (18-20).

Replace Maceia Roscoe who has attendance infraction with Riakos Adams who will serve an unexpired term (18-20).

Replace CTC Representative Rudy Sandoval with CTC Representative Charlotte Wesley who will serve an unexpired term (18-20).

Reappoint Fort Hood Representative Steve Moore

Recognize Celebrate Killeen Representative position as vacant - no identified member has been named to fill the seat vacated by Mr. Terry Mustapher.

Recognize Bernadette Jones, Volunteer Killeen Representative position as vacant due to attendance infraction - no identified member has been named to fill the seat.

*Motion was made by Councilmember Harris nominating Larry Holly to replace John Jones' nomination. Motion was seconded by Councilmember Fleming. Motion carried 4 to 3 with Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King in opposition. Councilmember Menking immediately acknowledged a misunderstanding of the motion and changed his vote to "nay." Motion failed 3 to 4 with Councilmember Menking, Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King in opposition*

**Senior Citizen Advisory Board:**

Replace Kim Harris who resigned with Barbara Henke who will serve an unexpired

term (18-21).

Reappoint Monika Spilman

Reappoint Rosa Kea

Reappoint Bill Barker

Replace Novice McDaniel who has attendance infraction with Deborah Voigt who will serve an unexpired term (17-20).

Replace Klaus Adam as recommended on September 10, 2019 by City Council (due to pending charges with Bell County) with Margo Coster who will serve an unexpired term (18-21). Councilmember Fleming requested that the nomination of Margo Coster be changed to Mary Taylor. With no opposition from City Council, the nomination of Mary Taylor stood.

*Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-101 as presented. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**PH-19-026A** Consider a memorandum/resolution approving the Impact Fee Capital Improvements Plan and Land Use Assumptions.

**PH-19-026B** Consider a memorandum/resolution establishing a public hearing date of November 19, 2019 to consider the impact fee draft report and the adoption of an impact fee.

**Comments:** Tony McIlwain, Assistant Director of Planning and Development  
Mr. McIlwain reviewed the purpose, the background, and the required process of implementing impact fees. He identified where the city is currently in the process and what the next step(s) were. City staff recommends that City Council approve the land-use assumptions, growth projections, and potential projects that could apply to future impact fees; and to direct the Capital Improvement Advisory Committee to continue forward with their work. Staff also recommends that City Council establish a public hearing date to allow the impact fee process to continue forward.

*Motion was made by Councilmember Johnson to approve PH-19-026A and PH-19-026B setting November 19, 2019 as a public hearing date as recommended. Motion was seconded by Councilmember Harris. Motion carried 4 to 3 with Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King in opposition.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Nash-King, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:03 p.m.