

City of Killeen
Regular City Council Meeting
Killeen City Hall
August 22, 2017 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

Absent: Juan Rivera

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

Councilmember Okray gave the invocation, and Councilmember Fleming 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.

Minutes

Motion was made by Councilmember Okray to approve the minutes of the August 8th Regular City Council Meeting. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Resolutions

RS-17-080 Consider a memorandum/resolution to renew the annual maintenance agreement with Superion formerly Sungard Public Sector.

Staff comments: Tom Moore

Superion provides the City with an integrated suite of software products including support for Financial, Human Resources, Utility Billing, Building Permits, and Code Enforcement. The maintenance renewal cost covers technical support calls, ongoing education, improvements to infrastructure, and product enhancements. City staff recommends the City Council approve this request and allow the City Manager to execute the renewal of the FY17 annual maintenance agreement with Superion Public Sector in the amount of \$121,842.71.

Motion was made by Councilmember Fleming to approve RS-17-080. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-17-081 Consider a memorandum/resolution awarding a one (1) year service agreement for Cisco SmartNET to Technology for Education LLC.

Staff comments: Tom Moore

SmartNET service network provides escalated assistance, emergency support, and software installs/updates for all Cisco systems and devices. SmartNET is a post manufacture warranty for Cisco systems. Staff recommends that the City Council authorize the City Manager to award to TFE the support agreement for Cisco SmartNET in the amount of \$61,805.13.

Motion was made by Councilmember Nash-King to approve RS-17-081. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-17-082 Consider a memorandum/resolution authorizing an increase in tire service expenditures for Fiscal Year 2017.

Staff comments: Jonathan Locke

To complete the remainder of this fiscal year, the existing purchase order of \$221,983.50 is estimated to require an increase of \$67,000 due to the rising annual amount expensed for tire repairs. Funds are available for this increase. Staff recommends increasing the original purchase order amount by \$67,000.00 to provide the estimated funding to complete this fiscal year.

Motion was made by Councilmember Nash-King to approve RS-17-082. Motion was seconded by Mayor Pro-Tem Kilpatrick. Motion carried unanimously.

RS-17-083 Consider a memorandum/resolution authorizing a lease agreement with Nugen Recycling for the old City of Killeen Transfer Station.

Staff comments: David Olson

Nugen Recycling is seeking to lease the old transfer station building for the operation of a metal recycling facility. The old transfer station building is not currently being used by the City. The lease terms will be \$4,000 per month for one year, beginning on September 1, 2017, and shall be automatically extended for up to five successive one-year terms. City staff recommends that City Council approve the lease and authorize the City Manager or his designee to execute the agreement.

Motion was made by Councilmember Fleming to approve RS-17-083. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-17-084 Consider a memorandum/resolution approving updates to Audit Committee Charter.

Staff comments: Kathy Davis

In October 2016, City Council approved the addition of two citizen members to the Audit Committee. In the absence of a sitting City Auditor, the Audit Committee Charter was never updated to reflect this change in the Audit Committee, or to define the level of participation allowed by the citizen members. The Audit Committee reviewed revisions and suggests that citizen members should have voting rights, and should count towards establishing a quorum. The Committee further qualified the language of the Charter in subsequent discussions to ensure that a quorum consisted of at least two elected officials. Staff recommends that City Council approve the revised Audit Committee Charter.

Motion was made by Councilmember Okray to approve RS-17-084. Motion was seconded by Councilmember Nash-King.

Councilmember Harris made a motion to amend the main motion by adding to the Audit Committee charter the requirement that the committee brief the entire council once every 3 months on what's going on with the committee. Motion was seconded by Councilmember Fleming. Motion tied 3 to 3 with Mayor Pro-Tem Kilpatrick, Councilmember Okray, and Councilmember Nash-King opposing. Mayor Segarra broke the tie by voting against the motion. Amendment motion failed 4 to 3.

Mayor Segarra called for a vote on the main motion. Motion carried 5 to 1 with Councilmember Harris opposing.

RS-17-085 Consider a memorandum/resolution setting the preliminary tax rate for the FY 2018 Annual Budget and Plan of Municipal Services and setting the dates to hold public hearings.

Staff comments: Jonathan Locke

The following tax rates per \$100 valuation are relevant to the proposed FY 2018 Budget:

Effective Tax Rate	0.7027
Current Tax Rate	0.7498
Notice and Hearing Tax Rate	0.7027
Preliminary Budget Tax Rate	0.7498
Rollback Tax Rate, Adjusted for Sales Tax	0.7223

The first public hearing will be held on September 5, 2017. The second public hearing will be held on September 12, 2017. The tax rate is scheduled to be adopted on September 19, 2017. It is recommended that City Council set a preliminary tax rate of 0.7498 per \$100 valuation. This rate represents the preliminary tax rate set for the FY 2018 Annual Budget and Plan of Municipal Services.

Motion was made by Mayor Pro-Tem Kilpatrick who stated, “I move to set the preliminary tax rate at 0.7498 and to set the dates of September 5th and September 12th for the public hearings on the tax rate to be held at 5:00 p.m. at 101 N. College Street in Killeen, Texas.” Motion was seconded by Councilmember Johnson.

The City Secretary called for a record vote:

Councilmember Okray – Yes

Councilmember Fleming – Yes

Mayor Pro-Tem Kilpatrick – Yes

Councilmember Rivera – absent

Councilmember Johnson – Yes

Councilmember Harris – Yes

Councilmember Nash-King – Yes

Mayor Segarra confirmed the passage of the rate and motion carried.

Ordinances

OR-17-010 Consider an ordinance amending Chapter 25 of the Code of Ordinances regulating the use of the Public Right-of-Way.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING VARIOUS SECTIONS OF CHAPTER 25 TO REGULATE USE OF THE PUBLIC RIGHT-OF-WAY; ADDING SECTIONS OF CHAPTER 25 TO ADDRESS TELECOMMUNICATIONS AND NETWORK NODES IN THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Kathy Davis

Senate Bill 1004 relating to the deployment of network nodes in public right-of-way was passed by the Texas Legislature and will be effective September 1, 2017. The bill provides access to the city's right-of-way for network providers to install network nodes and poles without a franchise agreement but subject to a right-of-way management ordinance. Chapter 25 of the Code of Ordinances currently includes limited regulation of excavation within the right-of-way, but has not been updated since 1981 and contains outdated references and procedures. To effectively provide for safety within the right-of-way, staff recommends updating this chapter to require compliance with the City's adopted Infrastructure Design and Development Standards Manual, prohibit interference with the right-of-way, provide for removal or relocation of facilities within the right-of-way as necessary for the construction of city improvements, require additional documentation in the permit application including proof of insurance and engineering drawings necessary to confirm compliance with design requirements, add permit fees for network nodes and excavation, add right-of-way rates for network nodes and transport facilities, require execution of a standard Service Pole Attachment Agreement prior to collocation of network nodes on city poles, and provide design requirements for network nodes and support poles.

Motion was made by Councilmember Okray to approve OR-17-010. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Public Hearings

PH-17-037 HOLD a public hearing August 22, 2017 on the FY 2018 Proposed Annual Budget and Plan of Municipal Services for the Fiscal Year October 1, 2017, through September 30, 2018.

Staff comments: Jonathan Locke

Local Government Code and City of Killeen Charter requires that one public hearing be held prior to the adoption of the final budget. A fiscal year 2018 budget summary was presented.

Mayor Segarra opened the public hearing.

Daniel Chavez, 4913 Parkwood Dr – inquired about how the city came up with the exemption percentages on the slide presentation on taxes. Jonathan Locke explained the numbers come from Bell County Tax appraisal rolls of 2017.

Jordan Clark, 2103 Grannex Dr. – inquired about police mission shortfall and if there was any type of risk analysis done to determine the cutting of unfilled police officer positions. Ron Olson explained how funds are budgeted between departments and that PD made recommendations on how to keep costs down by deploying resources in a different way. Mr. Clark is concerned about acceptable risks for police officers by cutting unfilled positions.

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

Councilmember Johnson expressed a concern that the city may have sent the wrong message regarding budget cuts and veteran exemptions. Ron Olson briefly explained the exemptions and disproportionate impact funds regarding veterans.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 6:17 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary