

**City of Killeen**  
Regular City Council Meeting  
Killeen Utilities Collections Conference Room  
August 28, 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 Ronald L. Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Councilmember Nash-King stepped down from the dais at 5:02 p.m.

Pastor Stephen Che gave the invocation, and Mayor Segarra 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.*

**Minutes**

*Motion was made by Councilmember Menking to approve the minutes of the August 7, 2018 Special City Council Meeting and the August 14, 2018 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

Councilmember Nash-King joined the meeting at 5:08 p.m.

**Resolutions**

**RS-18-066** Consider a memorandum/resolution approving the investment report for the quarter ended June 30, 2018.

**Staff Comments:** Jon Locke, Executive Director of Finance.

Mr. Locke introduced Susan Anderson with Valley View Consulting who presented the investment report for the quarter ending June 30, 2018.

*Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-18-066. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-18-067** Consider a memorandum/resolution to approve the City of Killeen's Investment Policy that is incorporated within the City of Killeen's Financial Governance Policies.  
**Staff Comments:** Jon Locke, Executive Director of Finance.  
Mr. Locke identified Page 86, Section XXII(I)1 – "Insurance or Collateral" of the City of Killeen Investment Policy that should be amended to reflect citing the Public Funds Collateral Act (Chapter 2257 of the Texas Government Code); to differentiate the amount of collateral required depending upon the instrument pledged (102% of principal and accrued interest for securities and 100% of principal and accrued interest for FHLB letters of credit); and to require that a letter of credit expire at least two business days beyond the maturity date of the Certificate of Deposit. Staff recommends that the City

Council approve the revised City of Killeen Investment Policy that is incorporated within the City of Killeen's Financial Governance Policies.

*Motion was made by Councilmember Rivera to approve RS-18-067. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-18-068** Consider a memorandum/resolution awarding a contract to RUSHWORKS for the Council Chambers Technology Project.  
**Staff Comments:** Hilary Shine, Executive Director of Communications.  
A request for proposals (No. 18-20) titled Council Chambers Technology Project was issued July 15, 2018. One proposal was received on July 30, 2018 from RUSHWORKS in the amount of \$143,821. This technological project will be fully funded with PEG funds. RUSHWORKS has been identified as a highly qualified vendor with a successful performance record with the city. Staff recommends that City Council approve the award of a contract to RUSHWORKS and authorize the City Manager, or designee to execute the contract and any amendments within amounts set by state and local law.

*Motion was made by Councilmember Fleming to approve RS-18-068. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1 with Councilmember Johnson in opposition.*

**RS-18-069** Consider a memorandum/resolution authorizing the acquisition of multiple tracts of land to be used for public purposes.  
**Staff Comments:** David Olson, Executive Director of Public Works.  
Mr. Olson identified four tracts of land that have been offered for dedication for public purpose. Staff has review the properties and have determined that there is a public purpose with the regional detention ponds on the sites being large enough to act as multi-use park areas and the opportunity to extend portions of the City's hike and bike system. One of the regional detention ponds and both drainage channels being offered are currently contained within drainage easements and are maintained by the City. Staff recommends that City Council accept the donation of the properties described and that the City Manager or designee be authorized and empowered to act in the name and on behalf of the City of Killeen in all lawful ways to execute and deliver all contracts, notes, deeds of trust, deeds, consents of sale, assignments, consent, notices, filings, certificates, acknowledgements, closing statements, affidavits, and other documents, and to do and perform every other act as he may deem necessary and appropriate to carry out the acceptance of the properties.

*Motion was made by Councilmember Menking to approve RS-18-069. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1 with Councilmember Harris in opposition.*

**RS-18-070** Consider a memorandum/resolution authorizing the award of a construction contract to TTG Utilities LP to construct the 2018 Minor Drainage Capital Improvements Projects.  
**Staff Comments:** David Olson, Executive Director of Public Works.  
In response to a request for bids for the 2018 Minor Drainage Capital Improvements project, four contractors submitted bids on August 1, 2018. TTG Utilities has been identified as the apparent low responsive bidder with a bid in the amount of \$486,696. Funds for this project are available in the Drainage 2006 CO Bond and the Drainage Utility Fund CIP. Staff recommends that the City Council authorize the City Manager or designee to enter into an agreement with TTG Utilities, LP for a construction contract to build 2018 Minor CIP Drainage Improvement Projects in the amount of \$486,696 and

that the City Manager or designee be expressly authorized to execute any and all changes to this contract within amounts set by state and local law.

*Motion was made by Councilmember Rivera to approve RS-18-070. Motion was seconded by Councilmember Menking. Motion carried 6 to 1 with Councilmember Fleming in opposition.*

**RS-18-071** Consider a memorandum/resolution approving a contract with Big Man Washes for improvements to the rental car service facility at the Killeen-Fort Hood Regional Airport.  
**Staff Comments:** Matt Van Valkenburgh, Executive Director of Aviation.  
Mr. Van Valkenburgh described the project which would include the installation of a new automatic car wash adjacent to the existing car wash structure, a centralized vacuum system, LED lighting, a water reclaim system, and the replacement of the existing manual car wash equipment with new equipment. This project has been identified as being consistent with the project priority list for rental car facility improvements as developed by the rental car airport tenants. The contract amount is \$728,205 and funds are available in the Customer Facility Charge (CFC) Fund. Staff recommends City Council authorize the City Manager or designee to execute a contract with Big Man Washes for \$728,205 as well as any and all change orders within the amounts set by state and local law.

*Motion was made by Councilmember Johnson to approve RS-18-071. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-18-072** Consider a memorandum/resolution approving the Memorandum of Understanding with Texas A&M Engineering Extension Service.  
**Staff Comments:** Brian Brank, Fire Chief.  
Chief Brank explained that the Texas A&M Engineering Extension Services (TEEX) sponsors the Texas Task Force 1 which responds to emergencies and disaster declarations as identified by both the state and federal levels. Capabilities include, but are not limited to: urban search & rescue, flood and swift water response, and the training associated with each one. Member participation requirements ensure adequate training and technical skills which are sponsored, controlled and funded by DHS/FEMA and/or Texas Task Force 1. Staff recommends that the City Council approve the Memorandum of Understanding with TEEX and authorize the City Manager or designee to execute the agreement.

*Motion was made by Councilmember Nash-King to approve RS-18-072. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-18-073** Consider a memorandum/resolution authorizing the acceptance of the Body Worn Camera Grant through the Office of the Governor, Criminal Justice Division, and for the Police Department to purchase a Body Worn Camera System from COBAN Technologies, Inc.  
**Staff Comments:** Charles Kimble, Police Chief.  
Chief Kimble advised that body worn cameras will provide increased accountability and transparency for the Police Department. The department has evaluated cameras from different vendors and is recommending the COBAN system as one that is the most compatible with the existing COBAN in-car camera systems that are in use by approximately half of the marked patrol fleet. Funding for the purchase of this equipment has been identified in previous year's JAG grants (2015, 2016, and 2017). In 2018, the department applied for and was awarded a grant from the Office of the

Governor, Criminal Justice Division to fund a body worn camera program. The Criminal Justice Division grant requires the city to provide 20% matching funds. The matching funds will be provided by state forfeiture funds. City staff recommends that the City Manager or his designee be designated as the authorized official and be given the power to apply for, accept, reject, alter or terminate the grant on behalf of the city. City staff further recommends the City Manager be designated to execute the purchase of the Body Worn Camera system from COBAN Technologies, Inc. through the Houston-Galveston Area Council purchasing cooperative and that the City Manager 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-18-073. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

### **Ordinances**

**OR-18-008** Consider an ordinance amending the Animal Advisory Committee membership and appointment authority.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING CHAPTER 6 “ANIMALS,” ARTICLE II “ANIMAL SERVICES,” SECTION 6-34 “ANIMAL ADVISORY COMMITTEE,” PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

Currently, the Animal Advisory Committee ordinance (Section 6.34) provides that two (2) councilmember be members of the committee and that the city manager is the member appointing authority. With the recent adoption of the Governing Standards and Expectations stating that councilmembers will no longer serve on citizen committees, the requirement of councilmembers being on this committee should be amended. It has been identified that state law provides that the City Council is the appointing authority, rather than the city manager, which should also be amended in the ordinance. Staff recommends that City Council adopt both proposed amendments to Sec. 6.34 of the City of Killeen Code of Ordinances.

*Motion was made by Mayor Pro Tem Kilpatrick to approve OR-18-008. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

### **Public Hearings**

**PH-18-022A** HOLD a public hearing and consider an ordinance requested by Brandy Kelley on behalf of JoAnn Kelley (FLUM #18-15) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) FROM ‘Suburban Commercial’, ‘Estate’, Suburban Residential’, and ‘Parks and Recreation’ to ‘General Residential’ for approximately 87 acres out of the M. T. Martin Survey Abstract No. 963. The subject property is addressed as 410 Tower Hill Lane and 9600 South Fort Hood Street, and is generally located on the east side of S.H. 195, north of the intersection with Tower Hill Lane in 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', 'ESTATE', 'SUBURBAN RESIDENTIAL', AND 'PARKS AND RECREATION' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 87 ACRES, BEING PART OF THE M.T. MARTIN SURVEY ABSTRACT NO. 963 FOR PROPERTY GENERALLY LOCALLY KNOWN AS 410 TOWER HILL LANE AND 9600 SOUTH FORT HOOD STREET, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Tony McIlwain, City Planner

This request mirrors a previous FLUM amendment request made by the Kelley family for the adjacent (north) 85 acres of land which they own; this previous request was approved by City Council last year. The Planning and Zoning Commission's recommendation (by a vote of 5 to 0) is for the following: 1) approximately 71 acres be changed from 'SC' (Suburban Commercial), 'P-R' (Parks and Recreation), 'E' (Estate) and 'SR' (Suburban Residential) to 'GR' (General Residential); and 2) that approximately 16 acres, consisting of the top of the hill, remain 'P-R' (Parks and Recreation).

Ms. Brandy Kelley, Killeen (applicant) was present and spoke in support of the amendment to the FLUM.

Mayor Segarra opened the public hearing.

Melissa Brown, 6105 Melanie Drive, spoke against the agenda item.

Ms. Jane Kelley Dykes (applicant family member), Killeen, spoke in support of the agenda item.

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

*Motion was made by Councilmember Rivera to approve PH-18-022A. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried 4 to 3 with Councilmember Nash-King, Councilmember Harris and Councilmember Fleming in opposition.*

**PH-18-022B** **HOLD** a public hearing and consider an ordinance requested by Brandy Kelley on behalf of JoAnn Kelley (Case #Z18-15) to rezone approximately 87 acres out of the M.T. Martin Survey Abstract No. 963 from "A" (Agricultural District) to "R-1" (Single-Family Residential District), and from "UD" (University District) to "UD" with a "CUP" (Conditional Use Permit). The property is locally known as 410 Tower Hill Lane and 9600 South Fort Hood Street, and is generally located on the east side of S.H. 195, north of the intersection with Tower Hill Lane 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 APPROXIMATELY 87 ACRES OUT OF THE M.T. MARTIN SURVEY, ABSTRACT NO. 963, BEING APPROXIMATELY 62 ACRES FROM "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), AND APPROXIMATELY 9 ACRES OUT OF THE M.T. MARTIN SURVEY, ABSTRACT NO. 963 FROM "UD" (UNIVERSITY DISTRICT) TO "UD" (UNIVERSITY DISTRICT) WITH A "CUP" (CONDITIONAL USE

PERMIT) FOR PROPERTY LOCALLY KNOWN AS 410 TOWER HILL LANE AND 9600 S. FORT HOOD STREET, KILLEEN, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, City Planner.

Killeen Code of Ordinances Sec. 31-439 states that the first nine hundred and fifty (950) feet of depth within the University District as measured from State Highway 195, shall be designated for commercial use. The remaining five hundred and fifty (550) feet of depth shall be designated for mixed-use development, or residential use via a conditional use permit. Staff notified twenty-three (23) surrounding property owners and received three (3) letters in support and none in opposition. The Planning and Zoning Commission has recommended (by a vote of 5 to 0) the following: 1) that approximately 62 acres out of the subject property be changed from “A” (Agricultural District) to “R-1” (Residential-Single Family District); 2) that approximately 16 acres, consisting of the top of the hill remain as “A” (Agricultural District); 3) that approximately 9 acres, consisting of the portion of the subject property that is between 950 feet and 1,500 feet from State Highway 195, be changed from “UD” (University District) to “UD” with a “CUP” (Conditional Use Permit) for single-family residential use; and 4) that all residential housing within the “CUP” (Conditional Use Permit) area shall meet the height and area requirements as detailed within Sections 31-187 through 188 of the Code of Ordinances, and that the applicant shall satisfy all architectural and landscaping requirements within the “UD” (University District).

Ms. Brandy Kelley, Killeen, (applicant) spoke in support of the zoning request.

Mayor Segarra opened the public hearing.

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

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

*Motion was made by Councilmember Rivera to approve PH-18-022B. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried 4 to 3 with Councilmember Harris, Councilmember Johnson and Councilmember Fleming in opposition.*

**PH-18-023** HOLD a public hearing and consider an ordinance requested by the City of Killeen (Case #Z18-17) to rezone Lots 1 through 14, Mesquite West Phase I from “M-1” (Manufacturing District) to “R-3F” (Multifamily Residential District) and Lots 2 through 15, Mesquite West Phase II from “B-3” (Local Business District) to R-3F” (Multifamily Residential District). The properties are addressed as 1100-1113 Leslie Circle and 1100-1113 ShanaRae Circle, 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 LOTS 1 THROUGH 14, MESQUITE WEST PHASE I FROM “M-1” (MANUFACTURING DISTRICT) TO “R-3F” (MULTIFAMILY RESIDENTIAL DISTRICT) AND LOTS 2 THROUGH 15, MESQUITE WEST PHASE II FROM “B-3” (LOCAL BUSINESS DISTRICT) TO “R-

3F” (MULTIFAMILY 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 property consists of 28 existing quad-plexes. The FLUM designation for this area is ‘RQ’ (Four-Plex Residential). The recommended zoning change to “R-3F” is consistent with the FLUM. Staff notified fifty-three (53) surrounding property owners and has not received any responses in support or opposition. The Planning and Zoning Commission recommended approval of this staff initiated action by a vote of 5 to 0.

Mayor Segarra opened the public hearing.

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

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

*Motion was made by Mayor Pro Tem Kilpatrick to approve PH-18-023. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Harris in opposition.*

**PH-18-024**     **HOLD** a public hearing and consider an ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen to adjust revenue and expenditure accounts in multiple operating, special revenue, internal service, and capital improvement project funds.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2018 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO ADJUST REVENUE AND EXPENDITURE ACCOUNTS IN MULTIPLE OPERATING, SPECIAL REVENUE, INTERNAL SERVICE, AND CAPITAL IMPROVEMENT PROJECT FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

**Staff comments:** Jon Locke, Executive Director of Finance.

Mr. Locke gave an overview of the proposed year-end review budget amendment which includes the following:

Major Operating Funds

- General Fund – increase of \$2,197,497 to transfer fund balance to CIP.
- Water and Sewer – increase of \$5,105,119 to transfer fund balance to CIP.
- Drainage – increase of \$3,325,606 to transfer fund balance to CIP.
- Aviation – increase of \$90,000 covered by increased revenue.
- Solid Waste – increase of \$62,510 covered by fund balance.
- Solid Waste – increase of \$2,200,718 to transfer fund balance to CIP.

Special Revenue Funds

- Multiple funds – increase of \$486,634 covered by increased revenue and fund balance.

Internal Service Funds

- Information Technology – increase of \$3,639 covered by increased revenue.

Capital Improvement Project Funds

- Multiple funds – increase of \$12,998,940 covered by increased revenue.

Staff recommends that City Council approve the ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services.

Mayor Segarra opened the public hearing.

Mellisa Brown, 6105 Melanie Drive, spoke in support of the budget amendment.

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

*Motion was made by Councilmember Menking to approve PH-18-024. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Menking, and unanimously approved, the meeting was adjourned at 6:33 p.m.

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Jose Segarra, Mayor

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Lucy C. Aldrich, City Secretary