

City of Killeen
Regular City Council Meeting
Killeen City Hall
June 25, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera (left the meeting at 7:02 p.m.), 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.

Brother Michael Larson from Tabernacle Baptist Church gave the invocation; and Mr. Jack Ralston 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 June 11, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-19-050 Consider a memorandum/resolution renewing the investment advisory services agreement with Valley View Consulting, LLC.
Staff Comments: Jon Locke, Executive Director of Finance.
City Council approved an agreement with Valley View Consulting on July 25, 2017. This agreement was for a two-year term that expires June 30, 2019 with an option to renew in one or two-year periods. Mr. Locke reviewed the compensation and scope of the services provided by Valley View Consulting. The estimated amount of the agreement for fiscal years 2019 and 2020 is \$30,000 for each year. Staff recommends that City Council renew the investment advisory services agreement with Valley View Consulting, LLC for a two-year period expiring June 30, 2021.

Motion was made by Councilmember Fleming to approve RS-19-050. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-051 Consider a memorandum/resolution authorizing the procurement of fleet replacement vehicles.
Staff Comments: Jon Locke, Executive Director of Finance.

This is a request to procure fifty-one (51) pieces of fleet at a cost of \$1,579,985. The fleet being purchased is on the approved fleet replacement schedule and funds are budgeted and are in compliance with the Local Government Code, and the City's Purchasing Policy. 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 Nash-King to approve RS-19-051. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-19-052 Consider a memorandum/resolution authorizing the procurement of Cisco SmartNet Services Support and Maintenance.

Staff Comments: Willie Resto, Executive Director of Information Systems.

The City owns a Call Manager VoIP system for providing telephony service. Cisco equipment was purchased to create the infrastructure that meets current and future City needs. The initial purchase of equipment provided a 12-month period of SmartNet support, this request is for a continuation of the support for the next 12 months. SmartNet service provides escalated assistance, emergency support, and software installs/updates for all Cisco systems and devices. This purchase request is through the Texas DIR purchase program, a cooperative that satisfies the City's bidding requirements pursuant to Texas Local Government Code section 271.102. Information Technology received three quotes from reliable vendors and Netsync Network Solutions provided the best value. Funding for this project is available in the Computer/Software Maintenance account in the amount of \$75,178.72. Staff recommends that the City Council authorize the purchase of Cisco SmartNet support and maintenance from Netsync Network Solutions using the Texas Department of Information Resources (DIR) TSO 4167 contract, and that the City Manager or designee be expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-19-052. Motion was seconded by Councilmember Menking. Motion carried unanimously.

RS-19-053 Consider a memorandum/resolution authorizing a Memorandum of Understanding with the Bell County Public Health District for a shower trailer for emergency events.

Staff Comments: Peter Perez, Emergency Management Coordinator.

The Killeen Office of Homeland Security & Emergency Management (OHS&EM) coordinates disaster emergency shelter operations at City facilities. In 2012, Bell County Public Health District purchased 2 shower trailers via a State Health Preparedness Grant. These shower trailers can only be used to augment or train for disaster emergency sheltering. The Memorandum of Understanding (MOU) is specific to the management for one of these trailers. It is a 10 year MOU with an option to renew each year. Expenditures anticipated with the trailer include minor repairs and will be recurring, depending on wear and tear. Staff recommends that City Council adopt the Memorandum of Understanding with Bell County Public

Health District, as written, and authorize the City Manager, or designee, to execute the same.

Motion was made by Councilmember Rivera to approve RS-19-053. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-054 Consider a memorandum/resolution authorizing the expenditure of city funds in excess of \$50,000 for police equipment and ammunition from GT Distributors, Inc.
Staff Comments: Charles Kimble, Chief of Police.
The Police Department purchases duty gear, body armor and ammunition from GT Distributors, Inc. Staff recommends that the City Manager or his designee be authorized to execute the described purchase of police duty gear, body armor and ammunition from GT Distributors, Inc. through purchasing cooperatives TXMAS and TASB BuyBoard, an expense that will exceed \$50,000 in city funds to one vendor for the current fiscal year.

Motion was made by Councilmember Fleming to approve RS-19-054. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-055 Consider a memorandum/resolution entering into an agreement with Infojini Temporary Employment Agency for temporary and contract personnel services.
Staff Comments: Eva Bark, Executive Director of Human Resources.
To ensure appropriate staffing levels necessary to maintain City business operations and standards, the City uses temporary and contract personnel on an as-needed basis. The City issued a Request for Proposals (RFP) from qualified firms with demonstrated competence and experience in providing temporary and contract personnel services. Five (5) proposals were received in response to the solicitation. Proposals were reviewed by a committee composed of personnel from Human Resources, Legal and Community Development, and scored based on criteria including cost, experience, qualifications, reputation, capability, resources, corporate history and stability. After review, reference checks, and further questioning with the top three firms staff recommends that the City Council authorize the City Manager or designee to execute a contract with Infojini Temporary Employment Agency for temporary employment services, and further that the City Manager or designee is authorized to execute any change order in compliance with city policy and state law.

Motion was made by Councilmember Rivera to approve RS-19-055. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-056 Consider a memorandum/resolution authorizing the execution of Change Order No. 1 & 2 to James Construction Group, LLC for the Rosewood Drive Extension Heritage Oaks Hike & Bike Trail.
Staff Comments: Danielle Singh, Executive Director of Public Works.
City Council awarded a construction contract to James Group Construction, LLC for the Rosewood Drive Extension - Heritage Oaks Hike & Bike Trail project.

Change Orders 1 and 2 are the result of field conditions and additional scope of work to complete the project. Funding is available in the current fiscal year in the Government Capital Project Contingency Account in the amount of \$473,430 for these changes. Staff recommends that the City Council authorize the City Manager or designee to execute Change Order 1 and 2 with James Construction Group, LLC, increasing the contract in the amount of \$473,430 resulting in a total contract amount of \$8,299,581.

Motion was made by Councilmember Nash-King to approve RS-19-056. Motion was seconded by Councilmember Fleming. Motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.

Ordinances

OR-19-009A Consider an ordinance creating the classification of Assistant Chief of Fire and amend the number of authorized civil service positions for the Killeen Fire Department.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, TO CREATE THE CLASSIFICATION OF ASSISTANT CHIEF OF FIRE AND TO AUTHORIZE THE NUMBER OF FIRE DEPARTMENT CIVIL SERVICE EMPLOYEES TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

OR-19-009B Consider an ordinance amending the Fire Department pay plan to add classification of Assistant Chief of Fire.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS AMENDING THE FIRE DEPARTMENT PAY PLAN; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff comments: Eva Bark, Director of Human Resources.

Ms. Bark gave a brief overview of the agenda item. Currently, the Fire Department has 4 Deputy Chiefs. This is a request that one of the Deputy Chief positions be reclassified to an Assistant Chief of Fire position. This position would ensure public safety fire industry best practices by defining responsible authority within the Killeen Fire Department. They would monitor and implement policies and standard operating procedures, standard operating guidelines, rules compliance, and direction to all fire department divisions. The reclassification cost will be \$2,423 and funds are budgeted in the FY 19 Fire Department budget. This action will also create a new pay rank in the Fire Department pay plan and it will not impact the total

authorizations of the Fire Department. Staff recommends that City Council approve the ordinance creating the classification of Assistant Chief of Fire; amend the number of authorized Civil Service positions for the FD by removing one (1) Deputy Chief of Fire and reclassify the authorization by changing the position to (1) Assistant Chief of Fire, by appointment, and; Approve the new pay rank of Assistant Chief of Fire.

*Motion was made by Councilmember Nash-King to approve OR-19-009A and OR-19-009B.
Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

Public Hearings

PH-19-017 HOLD a public hearing and consider an ordinance adopting the 2019 2020 Annual Action Plan; a substantial amendment to the 2018 19 Annual Action Plan; and authorizing an application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (1st of 2 Public Hearings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2019-2020 ANNUAL ACTION PLAN; ADOPTING A SUBSTANTIAL AMENDMENT TO THE 2018-2019 ANNUAL ACTION PLAN; AUTHORIZING THE APPLICATION

FOR AND ALLOCATION OF \$944,218.00 IN FY2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR AND CURRENT YEAR PROGRAM INCOME AND REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$957,568.08 OF CDBG FUNDS; AUTHORIZING AN APPLICATION FOR AND ALLOCATION OF \$410,861.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND FY2019-2020 ANTICIPATED PROGRAM INCOME FUNDS FOR A TOTAL EXPENDITURE OF \$460,682.73 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Leslie Hinkle, Director of Community Development.

The City of Killeen will receive \$944,218.00 from the U.S. Department of Housing and Urban Development (HUD) for FY 2019-2020 CDBG program activities. In addition, \$13,350.08 in funds from completed CDBG projects and prior and current year program income is available for use, providing a total of \$957,568.08 for FY 2019-2020 CDBG activities. The City will also receive \$410,861.00 from HUD for FY 2019-2020 Home Investment Partnerships (HOME) Program activities. \$49,821.73 in anticipated program income to the HOME program is available for use, providing a total of \$460,682.73 for FY 2019-2020 HOME activities. Two community planning meetings were held February 6 and 21, 2019, resulting in identification and prioritization of housing and community needs. Funding applications were submitted by the deadline date of March 29, 2019, and were presented to the Community Development Advisory Committee (CDAC) on May 1

and 2, 2019. CDAC also considered a proposal from staff regarding a substantial program amendment to the FY2018-2019 Annual Action Plan to amend the use of CDBG funds for the Bob Gilmore Senior Center by amending the use from rehabilitation of the existing structure to construction of a new facility on the same property; and, amending the use of HOME funds from the First Time Homebuyer Assistance Program with Repairs to the First Time Homebuyer Assistance Program (purchase assistance only). CDAC Representative, TaNeika Driver-Moultrie briefed City Council on the applicants' requests vs. CDAC's recommendations. City staff recommends that City Council hold the first of two public hearings and continue acceptance of citizen comments and participation in the development of the 2019-20 Community Development Annual Action Plan. The second public hearing is scheduled for July 23, 2019.

Mayor Segarra opened the public hearing.

Janelle Frazier, Central Texas 4C, Inc (Head Start), spoke in favor of the request.
Daniel Hall, Clements Boys and Girls Club, spoke in favor of the request.
Mellisa Brown, spoke against the request.

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

PH-19-018 HOLD a public hearing and consider a resolution approving an Internet Safety Policy for the Library Services Division's public access computers.

Staff comments: Leslie Hinkle, Director of Community Development. Federal Communications Commission's E-rate program helps public schools & libraries provide high-speed internet access. Killeen Library Services applied for 80% discount on the existing network circuit for Copper Mountain Branch Library. Conditional approval given requires a public hearing and Council approval of Internet Safety Policy. This policy simply verifies that the City IT filters the public internet access and that library staff monitor the minor computer users to help them avoid websites that are obscene, contain sexual acts or child pornography, or are otherwise harmful to minors. Staff recommends that the City Council hold a public hearing and approve the Internet Safety Policy.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Pro-Tem Kilpatrick to approve PH-19-018. Motion was seconded by Councilmember Menking. Motion carried unanimously.

PH-19-019A **HOLD** a public hearing and consider an ordinance submitted by Sycamore Strategies, L.L.C., on behalf of Reeces Creek Developers, Ltd. (FLUM#19 05), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' ('GC') and 'General Residential' ('GR') designations to a 'Multi

Family Residential’ (‘MFR’) designation for approximately 13.105 acres. The property is addressed as 4000 Robinett Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN’S FUTURE LAND USE MAP FROM ‘GENERAL COMMERCIAL’ AND ‘GENERAL RESIDENTIAL’ TO ‘MULTI-FAMILY RESIDENTIAL’ FOR APPROXIMATELY 13.105 ACRES FOR PROPERTY LOCATED AT 4000 ROBINETT ROAD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Prior to briefing the agenda item, Mr. McIlwain requested that the applicant be allowed to speak regarding the tax credit projects and the timeline (Agenda Items PH-19-019A, PH-19-019B, PH-19-020A and PH-19-020B).

Mayor Segarra invited the applicant to speak.

Zachary Krochtengel with MREC Companies, the applicant’s representative spoke in favor of the request.

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

The applicant intends to develop the property as part of a tax-credit project for a senior apartment complex. If approved, the ‘Multi-Family Residential’ designation encourages the following development types: multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums); and public/institutional and parks and public spaces. Staff recommends that the City Council approve the applicant’s FLUM amendment request as submitted. The Planning and Zoning Commission recommended approval of the applicant’s FLUM amendment request by a vote of 5 to 0.

Mayor Segarra opened the public hearing.

Mellisa Brown, spoke against the request.

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

Motion was made by Councilmember Johnson to approve PH-19-019A. Motion was seconded by Mayor Pro-Tem Kilpatrick. Motion carried 5 to 2 with Councilmember Menking and Councilmember Harris in opposition.

PH-19-019B HOLD a public hearing and consider an ordinance submitted by Sycamore Strategies L.L.C., on behalf of Reeces Creek Developers Ltd. (Case #Z19 11), to rezone 13.105 acres from “B 3” (Local Business District) to a Planned Unit

Development (PUD) with “R 3A” (Multifamily Apartment Residential District) for a senior apartment complex. The property is locally known as 4000 Robinett Road, 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 13.105 ACRES OF LAND, BEING PART OF 4000 ROBINETT ROAD, FROM “B-3” (LOCAL BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (P.U.D.) 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, Assistant Director of Planning and Development Services.

The PUD concept plan illustrates fourteen (14) distinct multifamily apartment buildings, a swimming pool, dog park, grilling areas and an amenities center. The dwelling unit summary consists of a total of 104 units, with 68 one-bedroom units, 36 two bedroom units and 174 vehicle parking spaces. The property is not located in an “Encroachment Awareness Area” as identified within the Fort Hood Joint Land Use Study (JLUS). Staff notified one hundred and forty-seven (147) surrounding property owners within a four hundred feet (400’) notification boundary. Staff received two (2) responses of opposition from surrounding property owners. The applicant is requesting a 10’ reduction in the required 25’ rear yard setback for buildings 6-14 and, in exchange, will limit those structures to one story in height. The 13.105 acres of land allows 228 residential units; the applicant’s proposal reduces that amount by more than 50% of the allowable density to 104 units. The applicant is not requesting any other customized PUD standards. Staff recommends that the City Council approve the applicant’s PUD zoning request as submitted. The Planning and Zoning Commission recommended approval of the applicant’s PUD request by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak.

The applicant did not speak.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Johnson to approve PH-19-019B. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1 with Councilmember Harris in opposition.

Councilmember Rivera left the meeting at 7:02 p.m.

PH-19-020A HOLD a public hearing and consider an ordinance submitted by Skyline Development, on behalf of Mary Barr (FLUM#19 06), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' (E) designation to a 'Multi Family Residential' (MFR) designation for approximately 12 acres. The property is located east of 60th Street and north of Bills Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'ESTATE' TO 'MULTI-FAMILY RESIDENTIAL' FOR APPROXIMATELY 12 ACRES FOR PROPERTY LOCATED EAST OF 60TH STREET AND NORTH OF BILLS ROAD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

PH-19-020B HOLD a public hearing and consider an ordinance submitted by Skyline Development, on behalf of Mary Barr (Case #Z19 12), to rezone approximately 12 acres from "R 1" (Single Family Residential District) to "R 3A" (Multifamily Apartment Residential District) for a senior apartment complex. The property is located east of 60th Street and north of Bills Road, 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 12 ACRES OF LAND, BEING LOCATED EAST OF 60TH STREET AND NORTH OF BILLS ROAD, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "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, Assistant Director of Planning and Development Services.

The applicant intends to develop the property as part of a tax-credit project for a senior apartment complex. If approved, the 'Multi-Family Residential' designation encourages the following development types: multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums); and public/ institutional and Parks and public spaces. Staff recommends that the City Council approve the applicant's FLUM amendment request as submitted. The Planning and Zoning Commission recommended approval of the applicant's FLUM amendment request by a vote of 5 to 0.

The project proposal is for an age-restricted multifamily development to be known as Edgewood Villas. The property is located in an "Encroachment Awareness Area" as identified within the Fort Hood Joint Land Use Study (JLUS). Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve

the purpose of establishing the current area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels.” The property proposes to take access from Bills Road, which is a private street and Lago Trail, a local street. Bills Road is not sufficiently sized to accommodate the traffic expected from the development. 60th Street is expected to see degradation in level of service (L-O-S) standard. Staff notified twenty-five (25) surrounding property owners within a four hundred feet (400’) notification boundary. Staff received four (4) responses of opposition from surrounding property owners. The City Council provided a resolution of support with funding of \$1,000 from the HOME program for this property at the regular meeting of February 12, 2019. Based on that, staff recommends that the City Council approve the applicant’s “R-3A” zoning request. The Planning and Zoning Commission recommended approval of the applicant’s “R-3A” request by a vote of 5 to 0.

Mayor Segarra invited the applicant to speak and address city council’s questions.

Ace Renau with Mitchell & Associates, a representative of the applicant, spoke in favor of the request.

Zachary Krochtengel with MREC Companies, also a representative of the applicant, spoke in favor of the request.

Mayor Segarra opened the public hearing.

Jack Ralston, spoke against the request.

Mellisa Brown, spoke against the request.

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

No action was taken on Agenda items PH-19-020A and PH-19-020B due to being tabled until the 07-02-2019 Workshop Meeting. The motion of direction was given during the 06-18-2019 Workshop Meeting.

Adjournment

With no further business, upon motion being made by Councilmember Menking, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 7:34 p.m.

Jose Segarra, Mayor

Lucy C. Aldrich, City Secretary