



# City of Killeen

## Legislation Text

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**File #:** MN-16-020, **Version:** 1

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Consider Minutes of Regular City Council Meeting of August 9, 2016.

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
August 9, 2016 at 4:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Richard Young

Absent: Jim Kilpatrick

Also attending were Interim City Manager Lillian Ann Farris, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Gillman.

Mr. Jones gave the invocation, and Mayor Segarra led everyone in the Pledge of Allegiance.

### Approval of Agenda

*Motion was made by Mayor Pro-Tem Moore to approve the agenda, pulling PH-16-027 by request of the applicant. Motion seconded by Councilmember Rivera. The motion carried 6 to 0.*

### Minutes

*Motion was made by Councilmember Okray to approve the minutes of the July 26th Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried 6 to 0.*

### Resolutions

**RS-16-064** Consider a memorandum/resolution authorizing the procurement of nine (9) fully-equipped police vehicles.

**Staff comments:** Frank Tydlacka

These replacement units, eight (8) fully-equipped police pursuit vehicles and one (1) K-9 configured unit would be fully-equipped Ford Explorer Police Interceptor models. Staff recommends approval to procure the nine (9) fully-equipped Ford Explorer Police Vehicles from Silsbee Ford through the BuyBoard Cooperative for the cost of \$537,812.00, plus graphics for \$2,820.00, for a total cost of \$540,632.00 and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Several citizens requested to speak:

Claudia Brown, 2502 Waterfall Dr. - opposed increase of any fees to make purchases and concerned about short fall in the current budget.

Kathy Stoubing, 3105 Paintrock Dr. - suggested recommendations to help with current budget deficit.

James Ralston, 408 Yates Rd. - recommended the Council find budget items to change in order to pay for vehicles, and does not feel the Council should be spending money right now.

Councilmember Johnson spoke against spending the money at this time and suggested the city limit their spending where ever they can.

*Motion was made by Councilmember Rivera to approve RS-16-064. Motion was seconded by Councilmember Okray. Motion tied 3 to 3 with Councilmember Young, Councilmember Johnson, and Councilmember Fleming in opposition. To break the tie, Mayor Segarra voted for the request. Motion carried 4 to 3.*

**RS-16-065** Consider a memorandum/resolution authorizing the procurement of forty-two (42) vehicles within the FY16 Fleet Replacement Plan budget.

**Staff comments:** Frank Tydlacka

As part of the FY16 Fleet Replacement Plan budget, seventy (70) vehicles were designated for replacement. Staff recommends approval to procure forty-two (42) of the designated vehicles from three (3) stated vendors for the total cost of \$934,867.00 and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Citizen requested to speak:

Claudia Brown, 2502 Waterfall Dr. - spoke against purchasing the vehicles.

Councilmember Johnson stated that he does not believe this expenditure is affordable at this time.

*Motion was made by Councilmember Okray to approve RS-16-065. Motion was seconded by Councilmember Rivera. Motion tied 3 to 3 with Councilmember Young, Councilmember Johnson, and Councilmember Fleming in opposition. To break the tie, Mayor Segarra voted for the request. Motion carried 4 to 3.*

**RS-16-084** Consider a memorandum/resolution appointing Council Members to various boards, commissions, and commissions' sub-committees.

**Staff comments:** Kathy Davis

The Mayor and Council sit on various boards and commissions and are voting members of many of these; in some instances they represent the Council on the board as ex-officio members. Sub-committee members are responsible for making appointment recommendations to the Council as a whole.

**Animal Advisory Committee**

Current Member	Status	New Member	Comments
Jonathan Okray	Term Expired	Jonathan Okray	Elected Official Representative
Shirley Fleming	Term Expired	Shirley Fleming	Elected Official Representative

**Audit Committee**

Current Member	Status	New Member	Comments
Scott Cosper	Term Expired	Jose Segarra	Elected Mayor
Jose Segarra	Term Expired	Jonathan Okray	Elected Official Representative
Juan Rivera	Term Expired	Juan Rivera	Elected Official Representative

**Hill Country Transit**

Current Member Status	New Member		
Jim Kilpatrick	Term Expired	Jim Kilpatrick	Elected Official Representative

**Killeen Sister Cities**

Current Member	Status	New Member	Comments
Elizabeth Blackstone	Outgoing Council Member	Brockley Moore	Elected Official Representative
Juan Rivera	Term Expired	Juan Rivera	Elected Official Representative
Jose Segarra	Term Expired	Shirley Fleming	Ex-Officio, Mayor's Designee

**Killeen Volunteers Inc.**

Current Member	Status	New Member	Comments
Elizabeth Blackstone	*Outgoing Council Member	Brockley Moore	City Rep Ex-Officio

\*unexpired term, 2015-17

**Tax Increment Reinvestment Zone Number Two Board**

Current Member	Status	New Member	Comments
Brockley Moore	Term Expired	Brockley Moore	City Representative

**Central Texas Council of Governments (CTCOG)**

Current Member	Status	New Member	Comments
Elizabeth Blackstone	Term Expired	Gregory Johnson	Alternate
Scott Cosper	Term Expired	Jose Segarra	City Representative

**Development District Board of Central Texas**

Current Member Status	New Member		
Juan Rivera	Term Expired	Juan Rivera	City Representative

**Transportation Planning Committee (K-T MPO)**

Current Member Status	New Member	Comments	
Scott Cosper	Term Expires 9/30/16	Jose Segarra	City Representative

**SUB-COMMITTEES:**

**Board of Adjustment - Construction**

Current Member Status	New Member	Comments	
Brockley Moore	Council member	Brockley Moore	Sub-Committee Member
Jonathan Okray	Council member	Jonathan Okray	Sub-Committee Member

**Board of Adjustment - Fire Prevention Code**

Current Member Status	New Member		
Jim Kilpatrick	Council member	Jim Kilpatrick	Sub-Committee Member
Jonathan Okray	Council member	Jonathan Okray	Sub-Committee Member

**Board of Adjustment - Airport Hazard Zoning**

Current Member Status Comments	New Member		
Shirley Fleming	Council member	Shirley Fleming	Sub-Committee Member
Brockley Moore	Council member	Brockley Moore	Sub-Committee Member

**Board of Adjustment - Zoning**

Current Member Status Comments	New Member		
Jim Kilpatrick	Council member	Jim Kilpatrick	Sub-Committee Member
Jonathan Okray	Council member	Jonathan Okray	Sub-Committee Member

**Killeen Volunteers Inc.**

Current Member Status	New Member	Comments	
Jim Kilpatrick	Council member	Jim Kilpatrick	Sub-Committee Member
Elizabeth Blackstone	Outgoing Council Member	Brockley Moore	Sub-Committee Member

**Senior Citizen Advisory Board**

Current Member Status Comments	New Member		
Jonathan Okray	Council member	Jonathan Okray	Sub-Committee Member
Elizabeth Blackstone	Outgoing Council Member	Shirley Fleming	Sub-Committee Member

**Bell County Health District**

Current Member Status Comments	New Member		
Jim Kilpatrick	Council member	Jim Kilpatrick	Sub-Committee Member
Brockley Moore	Council member	Brockley Moore	Sub-Committee Member

It is recommended that the City Council make these appointments and reappointments.

*Motion was made by Councilmember Young to approve RS-16-084. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.*

**RS-16-086** Consider a memorandum/resolution authorizing the acceptance of the 2015 Assistance to Firefighting Grant.

**Staff comments:** Deputy Chief Hawthorne

Staff recommends that the City Council approve this resolution accepting the 2015 Assistance to Firefighting Grant award in the amount of \$486,000, ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements incorporated into the grant agreement, and acknowledge its commitment to secure appropriate financial support for the Killeen Fire Department's cost-sharing obligations of \$44,181 in the FY 2017 budget.

*Motion was made by Mayor Pro-Tem Moore to approve RS-16-086. Motion was seconded by Councilmember Fleming. Motion carried 6 to 0.*

**RS-16-087** Consider a memorandum/resolution awarding Bid No. 16-15 for the Stewart Neighborhood Sidewalk

Reconstruction Project.

**Staff comments:** David Olson

During the FY 2015-16 budget process the Public Works Transportation Department-Street Services Division was allocated \$140,700.00 of Community Development Block Grant (CDBG) (Ord. 15-034) funds to be used for sidewalk reconstruction in the Stewart Neighborhood. Three (3) bidders submitted bids. Staff recommends the City Council award a construction contract to the lowest responsible bidder through line item section twenty one (21) for the sidewalk reconstruction and tree/root removal to Battery Warehouse, McAllen, Texas in the amount of \$129,798.00.

*Motion was made by Councilmember Okray to approve RS-16-087. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 5 to 1 with Councilmember Fleming in opposition.*

**RS-16-088** Consider a memorandum/resolution approving the abandonment of a .136 acre water main utility easement affecting the property currently approved as The Landing at Clear Creek Phase Four subdivision plat. The easement is located east of Clear Creek Road (S.H. 201) along the north right-of-way of Mohawk Drive north of Nyla Drive.

**Staff comments:** Tony McIlwain

Staff recommends that the City Council approve the water main utility easement abandonment request and authorize the City Manager to execute a quitclaim deed for the subject property and to do and perform every other act as she may deem necessary and appropriate to carry out the abandonment of the utility easement in accordance with this resolution.

*Motion was made by Councilmember Fleming to approve RS-16-088. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.*

**RS-16-089** Consider a memorandum/resolution approving a Killeen Economic Development Corporation performance agreement in support of the Defense Economic Adjustment Assistance Grant (DEAAG) project.

**Staff comments:** Matthew Van Valkenburgh

In cooperation with and support of Fort Hood officials, the City formally applied for a DEAAG to repair and rehabilitate the Army Radar Approach Control Facility (ARAC) on Robert Gray Army Airfield. Staff recommends the City Council approve the Killeen Economic Development Corporation Performance Agreement in the amount of \$525,000 and authorize the City Manager to execute all necessary agreement documents, and that it expressly authorize the City Manager to execute any and all amendments to the agreement within the amounts set by state and local law.

*Motion was made by Councilmember Rivera to approve RS-16-089. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 0.*

**RS-16-090** Consider a memorandum/resolution approving a sole source contract with KAYA Associates, Inc. in support of the Defense Economic Adjustment Assistance Grant (DEAAG) project.

**Staff comments:** Matthew Van Valkenburgh

The TACROF is a transportable, containerized airfield ATC operations system designed and built by KAYA Associates Inc. (KAYA) specifically for the U.S. Army, and is managed by the U.S. Army Program Manager Air Traffic Control (PM ATC). Staff has negotiated a contract with KAYA Associates, Inc. for the packaging, shipping, setup, integration, commission/certification, and maintenance of the Army owned TACROF, and the removal, storage, reinstallation, and certification of the existing ATC equipment. Staff recommends the City Council approve the contract with KAYA, Associates, Inc. in the amount of \$733,598.00 and authorize the City Manager to execute all necessary agreement documents, and that it

expressly authorize the City Manager to execute any and all amendments to the agreement within the amounts set by state and local law.

*Motion was made by Councilmember Okray to approve RS-16-090. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.*

**RS-16-091** Consider a memorandum/resolution authorizing the procurement of an Automated Time Keeping System - ExecuTime.

**Staff comments:** Tom Moore

The City of Killeen currently uses a manual time keeping system. In FY14-15 the staff initiated a process improvement plan to streamline the time keeping process. ExecuTime, a SunGard preferred vendor, has been identified as the best-value automated timekeeping system. City staff recommends that the City Manager be authorized to execute the purchase of the ExecuTime software system and associated hardware required for the initial fielding of the system, not to exceed \$176,000. Additionally the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Councilmember Johnson stated that he disapproves of a new time keeping system. Councilmember Johnson feels that this is a want, not a need and is an unnecessary expenditure.

*Motion was made by Councilmember Okray to approve RS-16-091. Motion was seconded by Mayor Pro-Tem Moore. Motion tied 3 to 3 with Councilmember Young, Councilmember Johnson, and Councilmember Fleming in opposition. To break the tie, Mayor Segarra voted for the request. Motion carried 4 to 3.*

**RS-16-092** Consider a memorandum/resolution authorizing proceeding with issuance of certificates of obligation and further directing the publication of notice of intention to issue City of Killeen, Texas, combination tax and revenue certificates of obligation.

**Staff comments:** Jonathan Locke

A reimbursement resolution allows the City to expend funds for specific projects and/or procurements and then be reimbursed for those expenditures from the proceeds of a debt issuance. In order to receive reimbursement for these projects and procurements, certificates of obligation will be issued. The certificates of obligation will be repaid by property tax receipts and revenues from the respective enterprise fund as appropriate. Staff recommends the attached resolution authorizing the City Manager and city staff to proceed with the issuance of certificates of obligation and publication of notice of intention to issue City of Killeen combination tax and revenue certificates of obligation be approved.

*Motion was made by Mayor Pro-Tem Moore to approve RS-16-092. Motion was seconded by Councilmember Rivera. Motion failed 2 to 4 with Councilmember Young, Councilmember Johnson, Councilmember Okray, and Councilmember Fleming opposing the request.*

**RS-16-093** Consider a memorandum/resolution updating the residency requirements for Police and Fire public safety employees.

**Staff comments:** Deputy Chief Hawthorne

TLGC 150.021, residency requirements for municipal employees, states that the governing body of a municipality may prescribe reasonable standards with respect to the time within which municipal employees who reside outside the municipal limits must respond to a civil emergency. Since enactment of the residency requirement, the applicant pool for both Fire Fighters and Police Officers has been negatively impacted. Staff recommends that City Council authorize the City Manager to revise the current residency requirement for public safety employees, redefining it to become 45 minutes from the ETJ (extraterritorial

jurisdiction) and updating the related City of Killeen Handbook policies.

*Motion was made by Councilmember Rivera to approve RS-16-093. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 5 to 1 with Councilmember Johnson in opposition.*

**RS-16-094** Consider a memorandum of support for the submittal of 108 transportation projects, including roadway and pedestrian facilities for the Killeen-Temple Metropolitan Planning Organization Mobility 2040 Metropolitan Transportation Plan Call for Projects.

**Staff comments:** David Olson

Using the City of Killeen Transportation Capital Improvements Plan, City of Killeen Thoroughfare Plan, and KTMPO Regional Thoroughfare and Pedestrian/Bicycle Plan as a guide, staff developed a list of 108 projects to be included with the KTMPO project submittal. City staff recommends City Council issue a memorandum of support for the submittal of the 108 projects in response to the MTP project call issued by KTMPO.

*Motion was made by Councilmember Young to approve RS-16-094. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.*

### **Public Hearings**

**PH-16-025** HOLD a public hearing to provide citizens the opportunity to comment, and City Council to discuss and consider the Interlocal Agreement and application of the Edward Byrne Memorial Justice Grant (JAG) for FY 2016.

**Staff comments:** Margaret Young

The City of Killeen has been chosen to apply for the JAG award and submit the application for all parties involved. JAG funding for Fiscal Year 2016 is \$80,270. An agreement has been made to distribute the program award as follows: City of Killeen \$40,537, City of Temple \$18,061 and Bell County \$21,672. Staff recommends that City Council approve the submission of the 2016 Edward Byrne Memorial Justice Assistant Grant through the Killeen Police Department on behalf of all parties involved; the City Manager to sign the Interlocal agreement; and permit the Killeen Police Department to allocate and administer the duties required by the grant, under the oversight of the City's Grant Administrator.

Mayor Segarra opened the public hearing. With no one appearing the public hearing was closed.

*Motion was made by Councilmember Johnson to approve PH-16-025. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.*

**PH-16-026** HOLD a public hearing and consider an ordinance requested by Rajesh Patel to rezone approximately 0.847 acre, being part of the J. R. Smith Survey, Abstract No. 797, from "B-5" (Business District) to "B-3A" (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located at 817 E. Rancier Avenue, 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) TO B-3A (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE**

**DATE.**

**Staff comments:** Tony McIlwain

The owner is making the rezoning request in order to sell mixed beverages.

The staff notified fifteen (15) surrounding property owners regarding this request. Staff has received one protest. The Planning & Zoning Commission recommended approval of “B-3A” zoning by a vote of 6 to 0.

Mayor opened public hearing.

Mr. Sampson, 4706 Teal Drive - spoke against request.

Michael Eny, 1406 Diane Drive - spoke against request.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-16-026. Motion was seconded by Councilmember Rivera. Motion carried 4 to 2 with Councilmember Young and Councilmember Fleming in opposition.*

**PULLED FROM AGENDA BY REQUESTOR**

**PH-16-027** HOLD a public hearing and consider an ordinance requested by Phyllis and Charles Mitchell d/b/a CPB Investments, Inc. (Case #Z16-13) to rezone .131 acre, being part of Lot 1, Block 1, Elms Creek Addition Phase I Replat, from “B-3” (Local Business District) to “B-4” (Business District). The property is locally known as 3816 Clear Creek Road, Killeen, Texas. (Requires a three-fourths majority vote.)

**Adjournment**

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 6:07 p.m.