



# City of Killeen

## Legislation Text

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**File #:** MN-17-014, **Version:** 1

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Consider Minutes of Regular City Council Meeting of June 13, 2017.

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
June 13, 2017 at 5:00 p.m.

**Presiding:** Mayor Jose L. Segarra

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

**Absent:** Shirley Fleming, Juan Rivera

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

Councilmember Harris gave the invocation, and Councilmember Nash-King 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 Okray. The motion carried unanimously.*

### Minutes

*Motion was made by Councilmember Johnson to approve the minutes of the May 23<sup>rd</sup> Regular City Council Meeting. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

### Resolutions

**RS-16-153A** Consider a memorandum/resolution to establish a policy to waive liens for demolition of dangerous buildings or health and safety abatements.

**Staff comments:** Leslie Hinkle

The Bell County Tax Appraisal District forecloses on delinquent taxes and sells properties by way of a Sheriff's sale. Often properties will not sell because the city's liens exceed the minimum bid, and sometimes they exceed the value of the property. Staff proposes that the liens on those properties be waived. The public purpose of waiving the liens is to return these properties to being taxable as well as reducing the amount of time and money the city spends maintaining them. Staff recommends approval of the attached policy to waive liens for demolition of dangerous buildings or health and safety abatements.

*Motion was made by Councilmember Okray to approve RS-16-153A. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

**RS-16-153B** Consider a memorandum/resolution authorizing the filing of interventions for the foreclosure of abatement liens, in conjunction with delinquent tax collection lawsuits filed by Bell County.

**Staff comments:** Kathy Davis

The law firm of McCreary, Veselka, Bragg & Allen, P.C. represents the Bell County Tax Appraisal District in the collection of delinquent property taxes. Since the Tax Appraisal District is in the process of foreclosing several tax liens, the Appraisal District's attorney is offering to also represent the city by preparing an intervention for the city in the delinquent tax collection lawsuit in order that the city's liens may be included in the judgment for the foreclosure on the tax liens. There will be no charge by the law firm to the city for filing this intervention. Staff recommends that the City Council authorize the law firm of McCreary, Veselka, Bragg & Allen, P.C. to file interventions on behalf of the City of Killeen for the foreclosure of abatement liens for the costs of abating weeds, grass, trash, rubbish, and/or substandard structures, in conjunction with the delinquent tax collection lawsuits filed by the Tax Appraisal District of Bell County, and authorizing the City Manager to execute any and all required documents.

*Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-16-153B. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**RS-17-053** Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2017.

**Staff comments:** Dennis Baldwin

Emily Upshaw with Valley View Consulting briefly went over the investment report which summarizes all investment activity for the quarter ending March 31<sup>st</sup>.

*Motion was made by Councilmember Okray to approve RS-17-053. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-17-054** Consider a memorandum/resolution appointing Council Members to various Boards and Commissions.

**Staff comments:** Kathy Davis

Due to the recent election of new councilmembers, seats held by councilmembers on various boards & commissions need to be appointed or re-appointed.

***Animal Advisory Committee***

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

***Audit Committee***

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Elected Mayor
Jonathan Okray		Jonathan Okray	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative

***Hill Country Transit***

Current Member	Status	New Member	Comments

Jim Kilpatrick		Jim Kilpatrick	Elected Official Representative
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**Killeen Economic Development Corp (KEDC)**

Current Member New Member	Status Comments		
Brockley Moore	Outgoing Council Member	Debbie Nash-King	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative
Jose Segarra		Jose Segarra	Ex-Officio, Mayor's Designee

**Killeen Sister Cities**

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Steve Harris	Elected Official Representative
Jonathan Okray		Jonathan Okray	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative
Shirley Fleming		Shirley Fleming	Ex-Officio, Mayor's Designee

**Killeen Volunteers Inc.**

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Steve Harris	Council Rep Ex-Officio
Jim Kilpatrick		Jim Kilpatrick	Council Rep Ex-Officio
		Debbie Nash-King	Celebrate Killeen Ex-Officio (Councilmember)

**Tax Increment Reinvestment Zone Number Two Board**

Current Member New Member	Status Comments		
Brockley Moore	Outgoing Council Member	Gregory Johnson	Council Representative
Jim Kilpatrick		Jim Kilpatrick	Council Representative
Jose Segarra		Jose Segarra	Council Representative

**Joint Land Use Study Policy Board**

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Mayor
Jim Kilpatrick		Jim Kilpatrick	Council Representative

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

Current Member New Member	Status Comments		
Gregory Johnson		Gregory Johnson	Alternate
Jose Segarra		Jose Segarra	Council Representative

**Development District Board of Central Texas**

Current Member New Member	Status Comments		
Juan Rivera		Juan Rivera	City Representative

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

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Council Representative

Gregory Johnson		Gregory Johnson	Council Representative
Juan Rivera		Juan Rivera	Council Representative

**APPOINTMENT SUB-COMMITTEES:***Board of Adjustment - Construction*

Current Member	Status	New Member	Comments	
Brockley Moore		Outgoing Council Member	Debbie Nash-King	Sub-Committee Member
Jonathan Okray		Council member	Jonathan Okray	Sub-Committee Member

*Board of Adjustment - Fire Prevention Code*

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

*Board of Adjustment - Zoning*

Current Member	Status	New Member	Comments	
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
Brockley Moore		Outgoing Council Member	Debbie Nash-King	Sub-Committee Member

*Senior Citizen Advisory Board*

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

*Bell County Health District*

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

Terms for those councilmembers who are filling an unexpired seat begin immediately and run through September 31, 2018. Terms for all other councilmembers begin October 1, 2017 and run through September 31, 2018.

*Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-17-054, appointing councilmember to seats as indicated above. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-17-055** Consider a memorandum/resolution authorizing the award of Bid No. 17-12 for concrete, street materials, top soil, and slurry seal services.

**Staff comments:** David Olson

Bids were received for the procurement of the City's estimated annual requirements of concrete, street materials, top soil, rock, and slurry seal services. The City's previous material contracts have all expired. Eight (8) vendors submitted bids. City staff recommends that City Council award purchase contracts to Killeen Ready Mix, Crafcro, Oldcastle Materials-Wheeler, Killeen Crushed Stone, Viking Construction, and DIJ Construction for the purchase of various concrete, street materials, Top Soil, Rock, and Slurry Seal Services; authorize the City Manager to enter into a contract with the same, including the proposed extensions described; and finally, authorize the City Manager to execute any and all change orders in the amounts established by State and Local law.

*Motion was made by Councilmember Okray to approve RS-17-055. Motion was seconded by Mayor Pro-Tem Kilpatrick. Motion carried unanimously.*

**RS-17-056** Consider a memorandum/resolution authorizing the submission of a Passenger Facility Charge (PFC) application to the Federal Aviation Administration (FAA).

**Staff comments:** Matt Van Valkenburgh

The Killeen Fort Hood Regional Airport (KFHRA) has an existing PFC; however, the authorized impose and use amount of that application is nearing its expiration and a new application is necessary to fund required projects and continue the program. The proposed charge effective date for this application is October 1, 2017 with an estimated expiration date of July 1, 2020. The request is to collect a total of \$1,540,000 at the rate of \$4.50 per enplaned passenger, which is the same rate as our existing PFC, for specific PFC projects. Staff recommends City Council authorize the collection and use of up to \$1,540,000 in passenger facility charges for specific projects identified in Table 1 and authorize the Executive Director of Aviation to submit the Passenger Facility Charge application documents to the FAA to obtain FAA approval for said collection and use.

*Motion was made by Councilmember Okray to approve RS-17-056. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-17-057** Consider a memorandum/resolution authorizing the purchase of turnout gear for the Fire Department.

**Staff comments:** Brian Brank

Turnout gear is the protective ensemble worn by firefighters. The fire department must replace turnout gear that is damaged and cannot be repaired. Additionally, National Fire Protection Association regulation 1851 establishes a usable lifespan for turnout gear of no more than ten years. Staff recommends that the City Council authorize the purchase of 46 sets of turnout coats and trousers in the amount of \$91,234.10.

*Motion was made by Councilmember Johnson to approve RS-17-057. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

## **Ordinances**

**OR-17-008** Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy, Mid-Tex Division regarding the 2017 Rate Review Mechanism Filings.

The City Secretary read the caption of the ordinance.

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 2017 RATE REVIEW MECHANISM FILINGS; 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 SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING RECONCILIATION AND RATE ADJUSTMENTS IF FEDERAL INCOME TAX RATES CHANGE; TERMINATING THE RRM PROCESS FOR 2018 PENDING RENEGOTIATION OF RRM TERMS AND CONDITIONS; 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.

**Staff comments:** Kathy Davis

The Atmos Cities Steering Committee and Atmos Energy Corp. have reached an agreement, reflected in the attached ordinance, to reduce Atmos's request by \$9.4 million, reflecting an increase of \$48 million on a system-wide basis, or \$38.8 million for Mid-Tex Cities. The increase will be effective for bills issued on or after June 1, 2017. The monthly bill impact for the typical residential customer will be \$2.04, or about 3.87%. The monthly bill impact for the typical commercial customer will be \$6.27, or about 2.37%. Industrial and transportation customers will see increases as well. Staff recommends that the City Council approve the negotiated settlement between ACSC and Atmos.

Rick Herblin, Atmos Representative - took questions by the council and will get back to the council via email with answers.

*Motion was made by Councilmember Okray to approve OR-17-008. Motion was seconded by Councilmember Nash-King. Motion carried 4 to 1 with Councilmember Johnson opposing.*

**OR-17-009** Consider an ordinance amending City of Killeen Code of Ordinances Chapter 31, Division 6, Tower Regulations.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTER 31 AMENDING ARTICLE V, SUPPLEMENTAL REGULATIONS, DIVISION 6, TOWER REGULATIONS, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The purpose of the ordinance changes is to update city rules to reflect the changing technology involving tower construction and engineering standards. The draft ordinance identifies towers as an allowable use in the 'A' Agricultural District and the "M-1" Manufacturing District; provides for a 1:1 fall radius (setback) against residential properties; adds language regarding guy wires and support systems; and provides for the setback to be reduced to a minimum of fifty (50') feet if additional engineering specifications are satisfied. The Planning and Zoning Commission recommended approval of the proposed amendments to Chapter 31, Division 6, Tower Regulations by a vote of 6 to 0.

*Motion was made by Councilmember Harris to approve OR-17-009. Motion was seconded by Mayor Pro-Tem Kilpatrick.*

*Motion carried unanimously.*

### Public Hearings

**PH-17-027** HOLD a public hearing and consider an ordinance requested by Loma Vista Estates, a Texas partnership, (Case #Z17-13) to rezone Lots 7 and 8, Block 1, Loma Vista Estates Phase Three, from “B-5” (Business District) to “R-2” (Two Family Residential District). The properties are located at 2813 and 2814 Leroy Lane, 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 “R-2” (two family Residential District); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The “R-2” zoning represents a down-zoning of this parcel, while allowing a more restrictive residential housing type. The staff notified seventeen (17) surrounding property owners within a 200’ notification boundary regarding this request. Staff received a response from Ms. Raye Mayhorn, the owner of 2710 S. Fort Hood Street. The Planning and Zoning Commission recommended approval of the applicant’s request for “R-2” zoning by a vote of 4 to 0, with Commissioners Latham and Purser abstaining.

Mayor Segarra opened the public hearing.

Raye Mayhorn, 2710 S. Fort Hood St - asked the Council to please make sure no materials will be dumped onto her property by the developer/property owner.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-17-027. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**PH-17-028** HOLD a public hearing and consider an ordinance requested by the Central Texas Youth Services Bureau (Case #Z17-12) to rezone Lot 56, Block 3, Copper Mountain One, Phase II, from “R-1” (Single-family Residential District) to “R-1” (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park on this site. The property is addressed as 2812 Bacon Ranch 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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR CONTINUED USE OF A PRIVATE RESIDENTIAL POCKET PARK; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified thirteen (13) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received. The Planning and Zoning Commission recommended approval of the applicant’s CUP request by a vote of 6 to 0 with the following conditions:

- The approval period is for five years;
- The applicant shall maintain a sign prominently denoting the contact information for the park ownership group;

- Within 60 days of approval of the CUP, the applicant shall install a perimeter safety fence along the park's eastern boundary, adjacent to the drainage feature;
- At the time Bacon Ranch Road is extended, the applicant shall provide safety fencing along the right-of-way;
- The property shall remain fully insured and a monthly inspection report shall be provided to the Planning staff;
- The park shall be open to the public from daylight to dusk

Mayor Segarra opened the public hearing.

Kami Diaz, 204 N. East St., Ste A - spoke in favor of request. Presented council with a folder of information regarding playground equipment and fencing.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Harris to approve PH-17-028. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-17-029** HOLD a public hearing and consider an ordinance requested by Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum (Case #Z17-11) to rezone part of Lot 1, Block 3, South Gate Addition, from "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District) for general commercial use. The properties are located at 1030 and 1040 W. Jasper Drive, 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) AND "RC-1" (RESTAURANT AND ALCOHOL SALES DISTRICT) TO "B-5" (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified twenty (20) surrounding property owners within a 200' notification boundary regarding this request. Staff received a response of support from Max Heiner, the owner of 1010 W. Jasper Road, Killeen, Texas. The Planning and Zoning Commission recommended approval of the applicant's request for "B-5" zoning by a vote of 6 to 0.

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-17-029. Motion was seconded by Councilmember Johnson. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Kilpatrick, and unanimously approved, the meeting was adjourned at 6:25 p.m.