

City of Killeen
City Council Meeting
Killeen City Hall
December 17, 2013 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Copelin.

Councilmember Okray gave the invocation, and Councilmember Clark led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written. Motion seconded by Councilmember Segarra. The motion carried unanimously.

Presentations

PR-1 Employee United Way Campaign Check Presentation
Hilary Shine announced that this year staff at the City of Killeen, through a United Way campaign, pledged \$150,000.00 for the upcoming year. This year's theme was Thanks a Million. The entire campaign from the beginning has raised \$1,000,000.00 for United Way.

Consent Agenda

CA-1 Consider minutes of Regular City Council meeting of December 10, 2013.
No changes.

CA-2 Consider a memorandum/resolution selecting the City's authorized securities broker/dealers.
Staff comments: Martie Simpson
Ms. Simpson requested the council bundle CA-2 and CA-3.

CA-3 Consider a memorandum/resolution approving the Investment Report for the quarter ended September 30, 2013.
Staff comments: Martie Simpson
The City of Killeen's investment policy requires that a quarterly report of investment activity be submitted to the City Council within a reasonable time after the end of the quarter. This report also represents the city's annual report.
Susan Anderson briefly went over the investment report for the quarter ending September 30, 2013.

The City of Killeen investment policy requires that the City Council formally approve the qualifications of any firm that wishes to conduct investment transactions with the City. Staff recommends that the City Council approve the investment report for the quarter ending September 30, 2013 and the resolution selecting the City's authorized securities broker/dealers

- CA-4 Consider a memorandum/resolution approving the selection of Vanir Construction Management, Inc. to perform construction management services for Fire Station #9 – RFQ No. 13-33.

Staff comments: John Sutton

The Killeen Fire Department would like to hire the Vanir Construction Management team to oversee this project. Staff requests the City Council approve a proposal from, and entering into, negotiations with Vanir Construction Management, Inc. to perform construction administration and management services for the construction of Fire Station #9. Any agreement negotiated will require additional approval of Council.

- CA-5 Consider a memorandum/resolution for the acquisition of twenty (20) encrypted digital radios, and twenty (20) non-encrypted digital radios for the Police Department.

Staff comments: Deputy Fire Chief Hawthorne

The Killeen Police Department is in need of acquiring forty (40) additional digital radios to provide officers with the improved performance available from digital radios. The Staff recommends the acquisition of forty (40) digital radios from Dailey Wells Communications as a Sole Source procurement for \$141,425, and that the City Manager or designee, is expressly authorized to execute any and all change orders within the amounts set by State and local law.

- CA-6 Consider a memorandum/resolution updating authorized representatives for TexPool.

Staff comments: Martie Simpson

Ms. Simpson requested CA-6, CA-7, and CA-8 be bundled together.

- CA-7 Consider a memorandum/resolution updating authorized representatives for TexSTAR.

- CA-8 Consider a memorandum/resolution updating authorized representatives for TexasTERM Local Government Investment Pool.

Ms. Simpson introduced Karen Evans, the new Assistant Director of Finance. The city's investment accounts need to be revised to include Ms. Evans as an authorized representative of the City of Killeen, and Tanya Strickland (replacement for Carolyn Scott), the city's new Staff Accountant, as an inquiry-only authorized representative. Staff recommends that these changes be made regarding TexPool, TexSTAR, and TexasTERM authorized representatives for the City of Killeen.

- CA-9 Consider a memorandum/resolution ratifying the City Manager's execution of an Interlocal agreement between the City of Killeen and the Texas General Land Office for the procurement of electricity.

Staff comments: Glenn Morrison

With the assistance of 5, the city's energy advisor, it was determined to be in the best interest of the City to seek favorable rates and secure a contract with an energy provider from July 1, 2016 through June 30, 2020. 5 recommended the Texas General Land Office (GLO) as our next electricity provider. On November 27, 2013, the City Manager entered into a contract with GLO and is now requesting the City Council's ratification of the contract.

The City received a rate of 0.05503/KWH for the term of July 1, 2016 through June 30, 2020. The City's rate as of January 2014 through July 2016 will be 0.05989/KWH.

City Manager recommends ratification of the contract with the Texas General Land Office.

- CA-10 Consider a request for a plat submitted by Jerry Lisenbe (Case #13-047FS: First Choice Addition), being a final subdivision plat of 0.929 acres, part of the Thomas Robinette Survey, Abstract No. 686. The property is located on the south right-of-way of Watercrest Road approximately 120 feet east of Foxglove Lane, and is locally known as 4502 Watercrest Road, Killeen, Texas.

Staff comments: Tony McIlwain

Mitchell & Associates, Inc. submitted this request on behalf of Jerry Lisenbe for First Choice Addition, being a plat of 0.929 acres out of the Thomas Robinette Survey. The property is zoned R-1 (Single Family Residential District) and the applicant is platting the property into two lots.

The plat had met all provisions of Chapter 26 of the Killeen Code of Ordinances.

The Planning and Zoning Commission voted to approve plat case #13-047FS: First Choice Addition by a vote of 7 to 0.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 1 through 10 as presented. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider an ordinance requested by David and Tammy Goode (Case #13-45) to rezone Lot 1, Block 1, David Goode Addition, from B-5 with an SUP (Special Use Permit) to B-5 with a CUP (Conditional Use Permit) for an impound yard. The property is located on the west right-of-way of S. Fort Hood Street (S.H. 195) and is locally known as 5209 S. Fort Hood Street, Killeen, Texas.

The City Secretary read the caption of the ordinance as follows:

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) WITH SUP (SPECIAL USE PERMIT) TO B-5 (BUSINESS DISTRICT) WITH CUP (CONDITIONAL USE PERMIT) FOR TEMPORARY STORAGE OF IMPOUND

VEHICLES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

David and Tammy Goode have submitted this request to rezone Lot 1, Block 1, David Goode Addition, from B-5 (Business District) with a SUP (Special Use Permit) to B-5 with a CUP (Conditional Use Permit) to allow for continued use as Goode Towing & Recovery.

The staff notified seventeen (17) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no protests.

The Planning and Zoning Commission recommended approval (7 to 0) of the applicant's CUP request for a period of five years with no additional provisions.

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

Motion was made by Councilmember Okray to approve PH-1. Motion was seconded by Councilmember Segarra; motion carried unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance requested by Roy Rakowski, Independent Executor of the Estate of Marcel Rakowski, (Case #Z13-47) to rezone approximately 1.581 acres, part of the J. H. Lewis Survey, Abstract No. 536, from R-1 (Single-family Residential District) to B-C-1 (General Business and Alcohol Sales District). The property is located on the east right-of-way of Clear Creek Road, across from the entrance to the Killeen/Fort Hood Regional Airport, Killeen, Texas.

The City Secretary read the caption of the ordinance as follows:

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 B-C-1 (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This request is to rezone approximately 1.581 acres, from R-1 (Single-family Residential District) to B-C-1 (General Business and Alcohol Sales District) for a bar, Jokers Ice House.

The planning staff notified 12 property owners within a 1,000 foot notification area regarding this request. Staff has received no protests.

The Planning and Zoning Commission recommended approval (7 to 0) of the applicant's B-C-1 request for a contiguous area of 12,000 square feet, set back at least

25 feet from the eastern property boundary, and recommended B-3 (Local Business District) for the remainder of the property.

Mayor Corbin opened the public hearing.

David Olson, Mitchell & Associates – Spoke in favor of the rezoning.

Andrea Thompson, 3404 W. Stan Schlueter, owner – Explained to the council the benefits of the business in this location and the appearance of the construction they intend to do.

Mr. Howard, 1515 Dallas Street – Spoke in favor of the rezoning.

With no one else appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Blackstone to approve PH-2 with a 12,000 square foot limitation on the zoned area and a 25 foot setback. Motion was seconded by Councilmember Segarra; motion carried unanimously.

PH-3 **HOLD** a public hearing and consider an ordinance requested by Houston Pizza Venture, L.P. (Case #Z13-48) to rezone Block 6, Wendland Plaza Shopping Center, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District). The property is located at the northwest intersection of S. Fort Hood Street (S.H. 195) and Old FM 440, and is locally known as 1035 S. Fort Hood Street, Killeen, Texas.

The City Secretary read the caption of the ordinance as follows:

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 RC-1 (RESTAURANT AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This request is to rezone Block 6, Wendland Plaza Shopping Center, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District), for on-premises sale and consumption of alcoholic beverages in conjunction with a Mexican-themed restaurant. There are no public/private schools, churches or hospitals in the area.

Staff notified six (6) surrounding property owners within a 200' notification boundary. No protests have been received.

The Planning and Zoning Commission recommended approval (7 to 0) of the applicant's RC-1 zoning request limited to the footprint of the existing building.

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

Motion was made by Councilmember Gilmore to approve PH-3. Motion was seconded by Councilmember Segarra; motion carried unanimously.

PH-4 **HOLD** a public hearing and consider a request for a plat submitted by Pacific KBC, L.L.C. (**Case #13-037RS: In-N-Out Burger Addition**), being a final subdivision replat of Lot 2, Block 1, Second Replat of Killeen Business Center Addition. The property is located on the south right-of-way of Central Texas Expressway (U.S. Hwy. 190), approximately 340 feet west of W.S. Young Drive, and is locally known as 2501 W.S. Young Drive, Killeen, Texas.

Staff comments: Tony McIlwain

Big Red Dog Engineering/ Consulting, submits this request on behalf of Pacific KBC, L.L.C. for In-N-Out Burger Addition. The property is zoned B-5 (Business District) and the applicant is replatting the property into a separate lot for a future restaurant.

Staff advised the Planning and Zoning Commission that the plat had met all provisions of Chapter 26 of the Killeen Code of Ordinances.

The Planning and Zoning Commission voted to approve plat case #13-037RS: In-N-Out Burger Addition by a vote of 7 to 0.

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

Motion was made by Councilmember Harris to approve PH-4. Motion was seconded by Councilmember Okray; motion carried unanimously.

PH-5 **HOLD** a public hearing and consider a request for a plat submitted by Carol Daude, Trustee of the Margaret Dorothy Stefek Marital Trust and Rami Alatrach, (Case #13-046RS: Stefek Trust Addition Phase Two Replat) being a final subdivision replat of Lot 1, Block 1, Stefek Trust Addition Phase One, and 0.159 acres, being part of the G.W. Farris Survey, Abstract No. 306. The property is located on the east right-of-way of S. Fort Hood Street (S. H. 195), across from Leifester Circle, Killeen, Texas.

Staff comments: Tony McIlwain

Mitchell & Associates, Inc. submitted this request on behalf of Carol Daude, The property is zoned B-5 (Business District) and the applicant is platting the property to include an additional 5,000 square feet of land area for future commercial development.

The Planning and Zoning Commission voted to approve plat case #13-046RS: Stefek Trust Addition Phase Two Replat by a vote of 7 to 0.

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

Motion was made by Councilmember Okray to approve PH-5. Motion was seconded by Mayor Pro-Tem Blackstone; motion carried unanimously.

- PH-6 **A. HOLD** a public hearing and consider an ordinance amending the FY 2013-14 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenues and expenses in the various Drainage Utility Fund accounts.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 13-14 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE DRAINAGE UTILITY FUND REVENUE AND EXPENDITURE ACCOUNTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Ms. Ramirez with Public Works

The Fiscal Year 13-14 budget will be revised to reflect increases of \$295,622.00 in revenue account 575-0000-382.56-02 (TDPS RFC REVENUE), and \$164,185.00 in expense account 575-3476-432.63-25 (RFC EXPENSES) and \$138,959.00 in the professional services account 575-3476-432.44-20.

Staff recommends the City Council approve the attached ordinance authorizing the additional revenue of \$295,622.00 and the additional expenditure of \$303,144.00 for the RFC grant (TDPS project number RFC-FY12-002) project.

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

Motion was made by Councilmember Clark to approve PH-6(A). Motion was seconded by Councilmember Okray; motion carried unanimously.

- B.** Consider a memorandum/resolution approving the purchase of properties located at 602 and 604 Bishop Drive, 638 Little Avenue, 702 Brook Drive, and 708 Brook Drive and authorizing the City Manager to carry out the sales.

Staff comments: Ms. Ramirez with Public Works

Staff and a representative from Jacobs met with the residents on several occasions to negotiate purchase costs, moving expenses, the estimated property taxes due at time of closing, and anticipated time tables. Following the negotiations between the City and each eligible property owner(s), the owner(s) have agreed to sale prices.

The federal award for purchases of the homes in this grant is \$133,883.00. The remaining \$30,302.00 is available in the Environmental Services Division's Fiscal Year 2013-2014 Professional Services account.

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

Motion was made by Mayor Pro-Tem Blackstone to approve PH-6(B) with the amendment of removing 604 Bishop Drive from consideration and increase the city's portion by \$3,000.00 for 602 Bishop Drive. Motion was seconded by Councilmember Harris; motion carried 6 to 1 with Councilmember Clark opposing.

Ordinances / Resolutions

OR-1 Consider an ordinance amending Chapter 28, Article III, Section 28-62 regarding fees charged by tow companies on the police rotation list.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE III, DIVISION 1, SECTION 28-62 OF THE CITY OF KILLEEN CODE OF ORDINANCES TO AMEND ALLOWED FEES FOR THE WRECKER ROTATION LIST; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Traci Briggs

The ordinance regulates the fees the tow companies are allowed to charge on tows initiated by the police department. The tow companies requested that the City Council increase the allowed fees. The attached ordinance contains a negotiated fee structure for police rotation tows. It includes increasing the basic tow fee to \$150, adding a flatbed fee of \$50, creating a specific waiting fee of \$20 per fifteen minutes on the scene (charged only after 30 minutes on scene), a winching fee of \$95 per hour, and a mileage charge of \$3.00 per mile for tows that end outside of Killeen.

Staff recommends adoption of the attached ordinance.

Motion was made by Councilmember Segarra to approve OR-1. Motion was seconded by Mayor Pro-Tem Blackstone; motion carried unanimously.

Adjournment

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

Daniel A. Corbin, Mayor

Dianna Barker, City Secretary