

City of Killeen
Regular City Council Meeting
Killeen City Hall
August 12, 2014 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, 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 Fulgham.

Councilmember Harris gave the invocation, and Mayor Pro-Tem Blackstone 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 Gilmore. The motion carried unanimously.

Consent Agenda

CA-14-102 Consider minutes of Regular City Council meeting of July 22, 2014.
No changes.

CA-14-103 Consider a memorandum/resolution authorizing Change Order No. 2 to the Stagecoach Road Reconstruction, Phase 2 Project with McLean Construction, Inc.
Staff comments: George Lueck
City staff recommends that the City Council authorize the City Manager to execute Change Order No. 2 with McLean Construction, Inc. decreasing the cost of the contract by \$1,909,861.40.

CA-14-104 Consider a memorandum/resolution authorizing Change Order No. 3 to the Stagecoach Road Reconstruction, Phase 2 Project with McLean Construction, Inc.
Staff comments: George Lueck
The total cost of Change Order No. 3 is a net increase of \$150,837. This change order plus Change Orders No. 1 and 2 result in an overall decrease of 9.96% to the original contract.
City staff recommends that City Council authorize the City Manager to execute Change Order No. 3 for the Stagecoach Road Reconstruction, Phase 2 project with McLean Construction, Inc.

CA-14-105 Consider a memorandum/resolution authorizing Change Order No. 17 for the City of Killeen Downtown Streetscaping and Andy K. Wells Trail Extension Project.
Staff comments: George Lueck

Change Order No. 17 provides for the final adjustment of project quantities on the City of Killeen Downtown Streetscaping and Andy K. Wells Trail Extension Project. The total cost of the changes is a net decrease of (\$133,017.33).

City staff recommends that City Council authorize the City Manager to execute Change Order No. 17 for the Downtown Streetscaping and Andy K. Wells Trail Extension Project.

- CA-14-106** Consider a memorandum/resolution to approve a contract with Vanir Construction Management, Inc. for the construction management of Fire Station #9.

Staff comments: John Sutton

Staff has negotiated a contract with Vanir with the total cost of the services not to exceed \$229,048.

Staff recommends that City Council approve the contract with Vanir Construction Management, Inc. for construction management of Fire Station 9 and that the City Manager or his designee be authorized to execute any and all change orders within the amounts set by state and local law.

- CA-14-107** Consider a memorandum/resolution to authorize the rejection of Bid #14-13, Cornerstone Renovations.

Staff comments: Karlene Jessie

City staff recommends that all six (6) bids submitted for Bid #14-13 be rejected because they all came in at least \$150,000.00 more than was estimated.

- CA-14-108** Consider a memorandum/resolution authorizing the City Manager to enter into an interlocal agreement with the City of Harker Heights for a Household Hazardous Waste Collection Event.

Staff comments: Michael Cleghorn

An event is proposed to take place where the City of Killeen, in conjunction with the City of Harker Heights, would hold a Household Hazardous Waste Collection Event on September 13, 2014. Funds for this event were approved in the FY 13-14 budget. The total cost of the event is not anticipated to exceed \$35,000.

City staff recommends that City Council authorize the City Manager to execute an interlocal agreement with the City of Harker Heights, Texas, to conduct a Household Hazardous Waste Collection Event on September 13, 2014.

- CA-14-109** Consider a memorandum/resolution approving the abandonment of 2.938 acres of platted right-of-way (Rosewood Drive) located within the Rosewood Addition subdivision.

Staff comments: Tony McIlwain

The Public Works Department- Transportation Division has coordinated a different alignment of Rosewood Drive from the one illustrated on the Rosewood Addition plat. As such, it is no longer necessary to burden the property owner with having the above described 2.938 acres of land platted as right-of-way.

Staff recommends that the City Council approve the right-of-way 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 he may deem necessary and

appropriate to carry out the abandonment of the right-of-way in accordance with this resolution.

CA-14-110 Consider a memorandum/resolution for the purchase of two (2) new Frazer ambulances to replace an aging fleet.

Staff comments: Fire Chief Gardner

Frazer, Ltd. is an approved member of HGAC and provides the ambulances. Upon approval, the City will procure two (2) Frazer ambulances with all necessary equipment to replace two (2) of the eight (8) front line MICUs.

Staff recommends that the City Council approve the resolution for the purchase of the two (2) new ambulances.

CA-14-111 Consider minutes of Special City Council meeting of August 5, 2014.
No Changes.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 102 through 111, as presented. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

Public Hearings / Ordinances

PH-14-048 HOLD a public hearing and consider an ordinance requested by W.B.W. Land Investments, L.P. (Case #Z14-19) to rezone approximately 35.03 acres out of the William H. Cole Survey, Abstract No. 200, from "CD" (Cemetery District) and "UD" (University District) to "CD" with a Conditional Use Permit (CUP) and "UD" with a Conditional Use Permit (CUP). The property is located along the north right-of-way of Splawn Ranch Drive, approximately 250 feet east of S. Fort Hood Street (S.H. 195), Killeen, Texas. (Tabled from City Council Meeting of July 22, 2014)

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 UD (UNIVERSITY DISTRICT) TO UD WITH CUP (CONDITIONAL USE PERMIT) AND CD (CEMETERY DISTRICT) TO CD WITH CUP (CONDITIONAL USE PERMIT) ALLOWING FOR SINGLE FAMILY RESIDENTIAL USE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The applicant's zoning request is consistent with the Comprehensive Plan's Future Land Use Map (FLUM). The staff notified forty six surrounding property owners within a 200 foot notification boundary regarding this request. Staff has received three responses.

The Planning and Zoning commission recommended approval, with a five (5) to three (3) vote, of the applicant's Conditional Use Permit for single-family residential development that would mimic the previously approved CUP development adjacent to this proposed project. Staff believes that the solemn nature of the Cemetery District will be preserved while leaving ample land for future commercial development.

Mayor Cosper opened the public hearing.

Payton Duncan, 405 Tower Hill Ln. – spoke in favor of the requested CUP.

Wayne Duncan, 499 Tower Hill Ln. – spoke in favor of the request.

Josh Welch, representative w/W.B.W. Land Investments (developer), 3000 Illinois Ave – feels single-family use is the best use of this property. Does not feel property could be developed commercially due to drainage.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Segarra to approve PH-048 as presented. Motion was seconded by Councilmember Rivera. Motion 4 to 3 with Councilmember Okray, Councilmember Clark, and Councilmember Harris opposing.

PH-14-049 HOLD a public hearing and consider an ordinance requested by 195 SS L.P. (Case #Z14-15) to rezone approximately 20.75 acres of the Southern Pacific Railroad Company Survey, Abstract No. 794, from “M-1” (Manufacturing District) to “B-5” (Business District). The property is located on the northwest corner of Stan Schlueter Loop (FM 3470) and S. Fort Hood Street (S.H. 195), 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 M-1 (MANUFACTURING DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

This request is to put in a grocer retailer.

The staff notified 17 surrounding property owners within a 200 foot notification boundary regarding this request. Staff received one response in support from Zenaida Robles. The Planning and Zoning Commission voted 8 to 0 to approve the applicant's request.

Mayor Cosper opened the public hearing.

John Rose, representative w/grocer company - made himself available for questions.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-049 as presented. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

PH-14-050 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 the Police Department Law Enforcement Telephone Grant account utilizing funds awarded to the JAG 2011-2012 account.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY RELEASING FUNDING FOR AN INCREASE IN THE POLICE DEPARTMENT ACCOUNTS TOTALING \$28,718; PROVIDING SUFFICIENT FUNDING FOR WIRELESS DATA SERVICES IN SUPPORT OF THE POLICE DEPARTMENT'S MOBILE DATA NEEDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Staff comments: Deputy Chief Longwell

Staff recommends that the City council approve the Ordinance to amend the FY 2013-2014 Police Department Grant budgeted funds in the JAG 2011-2012 revenue account by \$28,718 and the Law Enforcement Telephone Grant account by \$28,718 for the continued procurement of wireless data (cellular) services.

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

Motion was made by Councilmember Rivera to approve PH-050 as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-14-052 HOLD a public hearing on the FY 2014-15 proposed Annual Budget and Plan of Municipal Services.

Staff comments: City Manager Glenn Morrison

Mr. Morrison stated this was the second public hearing on the proposed budget.

Mayor Cospers opened the public hearing.

Dan Corbin, 6009 Stillwood Cir – Feels the street maintenance area of the proposed budget is inadequate. Feels the city underfunds the street maintenance budget and that the budget should reflect about \$1,000,000 for street maintenance, not the current \$609,000. Need to come up with some method to fund future street maintenance.

With no one else appearing the public hearing was closed.

Ordinances / Resolutions

OR-14-024 Consider an ordinance to amend the number of authorized and over-hire fire and rescue officer civil service positions.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS 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.

Staff comments: Dr. Ann Farris

Staff recommends that the City Council authorize the decrease by one to the number of authorized Fire and Rescue Officer positions in the base authorization and to increase the number of authorized over hire positions by one.

Motion was made by Mayor Pro-Tem Blackstone to approve OR-024. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

OR-14-025A Consider an ordinance renaming Fire Department positions of "Fire Captain" to "Battalion Chief."

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, RENAMING THE POSITION OF FIRE CAPTAIN TO BATTALION CHIEF IN ACCORDANCE WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021(a); PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff comments: Dr. Ann Farris

City staff is requesting that the current classification of Fire Captain be renamed Battalion Chief, in order to better communicate and align with job duties and responsibilities. There will be no change in pay or duty.

Staff recommends the City Council approve the attached ordinance.

Motion was made by Councilmember Rivera to approve OR-025A. Motion was seconded by Councilmember Okray. Motion carried unanimously.

OR-14-025B Consider an ordinance amending the Fire Department civil service pay plan to reflect the renaming of Fire Captain to Battalion Chief.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS UPDATING THE CIVIL SERVICE PAY PLAN OF THE FIRE DEPARTMENT TO REFLECT THE RENAMING OF THE POSITION OF FIRE CAPTAIN TO BATTALION CHIEF; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff comments: Dr. Ann Farris

There will be no cost related to this change to the Fire Department Civil Service pay plan in the FY 13-14 budget.

Staff recommends the City Council approve the attached ordinance.

Motion was made by Councilmember Okray to approve OR-025B. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried unanimously.

OR-14-026 Consider a memorandum/resolution setting the Preliminary Tax Rate for the FY 2014-15 Annual Budget and Plan of Municipal Services and setting the dates to hold public hearings on the proposed tax increase (if a proposed tax increase is approved).

Staff comments: Martie Simpson

The tax rate reflected in the City Manager's proposed budget is the current rate, 0.7428. Effective rate is 0.7498.

The City Council set a preliminary tax rate at 0.7498 per \$100 valuation. This rate represents the preliminary tax rate for the FY 2014-15 Annual Budget and Plan of Municipal Services. Once set, this preliminary tax rate will be the maximum tax rate allowed by law for the FY 2014-15 Budget. The Council may elect to lower the preliminary tax rate at a later date; however, it cannot be raised.

Motion was made by Mayor Pro-Tem Blackstone to approve OR-026 setting the preliminary tax rate of 0.7498 per \$100 value. Motion was seconded by Councilmember Gilmore. Motion carried 5 to 2 with Councilmember Okray and Councilmember Harris opposing.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:09 p.m.

Scott Cosper, Mayor

Dianna Barker, City Secretary