

City of Killeen
Regular City Council Meeting
Killeen City Hall
December 16, 2014 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera (arrived at 5:05), 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 McDaniels.

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

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda pulling CA-166 & CA-170 for separate consideration. Motion seconded by Councilmember Gilmore. The motion carried unanimously.

Presentations

PR-14-005 Presentation - Employee United Way Campaign Check
Hilary Shine presented a check to council and the Killeen United Way representatives for \$176,818.00, a total derived from pledges and donations.

Consent Agenda

CA-14-165 Consider minutes of Regular City Council meeting of December 9, 2014.
No changes.

(Separate consideration)

CA-14-166 Consider a memorandum/resolution awarding contracts to Comal Transportation, L.L.C. and Waste Management, Inc. for the transportation and disposal of the city's municipal solid waste.

Staff comments: Michael Cleghorn

The current contract with WM and Comal Transportation with extensions is set to expire October 8, 2015. City staff has reached a preliminary agreement with WM and Comal providing for an amendment to the current contract extending the agreement an additional five years to October 7, 2020. City staff recommends that the City Council approve an amendment to the current contract with Waste Management, Inc., and a new contract with Comal Transportation, L.L.C., and that the City Manager be authorized to execute all necessary contract documents and to execute any and all amendments authorized by law.

Motion was made by Councilmember Rivera to approve CA-166. Motion was seconded by Councilmember Gilmore. Motion carried 6 to 1 with Councilmember Clark in opposition.

CA-14-167 Consider a memorandum/resolution awarding Bid No. 15-02 for a construction contract to Bell Contractors, Inc. to construct the Septic Tank Elimination Program Phase IX Project.

Staff comments: Scott Osburn

Four contractors submitted bids on this project. The bids included a base bid for Phase 1 and an add-alternate bid for Phase 2. Based upon an evaluation and past work experience, City staff and The Wallace Group recommend the award of base bid contract to Bell Contractors, Inc. Following careful consideration, City staff does not recommend awarding the add-alternate bid (Phase 2) at this time. Funding for Phase 1 of this project is available in the amount of \$653,593.60 through the Water and Sewer Fund.

City staff recommends that the City Council authorize the City Manager to enter into a contract with Bell Contractors, Inc., in the amount of \$653,593.60 to construct Phase 1 of the Septic Tank Elimination Program Phase IX Project. City staff also recommends that the City Manager be expressly-authorized to execute any and all change orders within the amounts set by state and local law.

CA-14-168 Consider a memorandum/resolution updating authorized representatives for TexPool.

Staff comments: Karen Evans

Staff recommends adding Chris Garcia, Staff Accountant, and removing Martie Simpson and that the attached Resolution Amending Authorized Representatives from TexPool be approved.

CA-14-169 Consider a memorandum/resolution for the re-adoption of eligibility, guidelines and criteria for tax abatements.

Staff comments: Charlotte Humphrey

In order to offer tax abatement, the City is required to establish guidelines and criteria governing tax abatement (Tax Code §312.002). There is one minor change to the Guideline and Criteria for this re-adoption. The guidelines now allow the City Manager or his designee to make a recommendation to City Council for final approval or disapproval of tax abatement. Staff recommends that the City Council elect to continue its eligibility under state law to participate in tax abatements and that the City Council adopts the attached Tax Abatement Guidelines and Criteria for use.

(Separate consideration)

CA-14-170 Consider a memorandum/resolution approving a Release and Settlement Agreement in the case of APAC v. Anderson Columbia and the City of Killeen.

Staff comments: Kathy Davis

A paving error was made in late October and early November of 2012 resulting in the paving joints for the permanent traffic lanes being placed in the wheel path. The City did not accept the incorrect work and through discussions with both Anderson Columbia and APAC elected to have the pavement removed and replaced with lanes that met the requirements of the contract. APAC sued the contractor, Anderson Columbia. Anderson Columbia then sued the City. Alleged damages stemming from this incident are \$421,103.74. The parties have entered into settlement negotiations. The proposed settlement agreement is for \$150,000, of which Anderson Columbia has agreed to pay \$75,000 and the City has agreed in principle to pay \$75,000, pending City Council approval.

City staff and outside counsel believe that \$75,000 is a reasonable amount to settle this case. City staff recommends that the attached Release and Settlement Agreement and payment of \$75,000 be approved.

Motion was made by Councilmember Rivera to approve CA-170 as presented. Motion was seconded by Councilmember Segarra. Motion carried 5 to 2 with Councilmember Okray and Councilmember Harris in opposition.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 165,167,168,169 as presented. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

Public Hearings / Ordinances

PH-14-076 HOLD a public hearing and consider an ordinance requested by Family Preferred Real Estate, Inc. (Case #Z14-35) to rezone 2.172 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of Lot 1, Block 1, Ferguson Addition and part of the W. L. Harris Survey, Abstract No. 1155. The property is located approximately 375 feet east of Crested Eagle Drive and south of 1806 W. Stan Schlueter Loop, 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 B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

Mitchell & Associates, Inc. submits this zoning request on behalf of Family Preferred Real Estate, Inc. for commercial use and private athletic fields. Staff notified sixteen (16) surrounding property owners within the 200' notification area. Staff has received protests, which have been included for consideration. The Planning and Zoning Commission recommended approval of "B-4" (Business District) by a vote of 7 to 0.

Mayor Cospers opened the public hearing.

Bob Mitchell, 102 N. College – spoke in favor of request.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-076 changing the zoning to B-4. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried unanimously.

PH-14-077 HOLD a public hearing and consider an ordinance requested by LAM Estates, Ltd. (Case #Z14-36) to rezone 8.576 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of the R. Cunningham Survey, Abstract No. 199. The property is located along the east right-of-way of South W. S. Young Drive, north of Rio Grande Court, 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 B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

Mitchell & Associates, Inc. submits this zoning request on behalf of LAM Estates, Ltd. to develop the site for prospective commercial use. Staff notified sixteen (16) surrounding property owners within the 200' notification area. Staff has received two protests. The Planning and Zoning Commission recommended approval of "B-5" (Business District) of .288 acres, as illustrated on the zoning exhibit, by a vote of 7 to 0.

Mayor Cospers opened the public hearing.

Bob Mitchell, 102 N. College – spoke in favor of request.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-077. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-14-078A HOLD a public hearing and consider an ordinance amending the FY 2014-2015 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing various Governmental Capital Projects Fund accounts by \$132,000 and increasing various Water and Sewer Fund accounts by \$115,000 to fund physical security upgrades at the City Hall Annex.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING VARIOUS COURT TECHNOLOGY FUND ACCOUNTS BY \$50,000; INCREASING COURT SECURITY FEE FUND ACCOUNTS BY \$82,000; INCREASING VARIOUS GOVERNMENTAL CAPITAL PROJECT FUND ACCOUNTS BY \$132,000; INCREASING VARIOUS WATER AND SEWER CAPITAL PROJECT FUND ACCOUNTS BY \$115,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Stu McLennan

Staff recommends that the City Council approve the attached ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services increasing the capital project funds revenues and expenditures by \$247,000 and increasing operating expenditures by \$132,000.

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

Motion was made by Councilmember Clark to approve PH-078A. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

PH-14-078B Consider a memorandum/resolution authorizing the City Manager to enter into a contract with G4S Technology LLC to implement security upgrades at the City Hall Annex.

Staff comments: Stu McLennan

Staff recommends that the City Council authorize the City Manager to sign a contract with G4S Technology LLC for security upgrades at the City Hall Annex in the amount of \$247,000. Staff also recommends that the City Manager be expressly authorized to approve any and all change orders within the amount allowed by state law.

Motion was made by Councilmember Okray to approve PH-078B. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Blackstone, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 6:11 p.m.

Scott Cospers, Mayor

Dianna Barker, City Secretary