

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
July 14, 2009  
6:00 p.m.

Presiding: Mayor Timothy L. Hancock

Attending: Mayor Pro-Tem Scott Cosper and Councilmembers Larry Cole, JoAnn Purser, Juan Rivera, Kenny Wells, Ernest Wilkerson, and Billy Workman

Also attending were City Manager Connie Green, Deputy City Attorney Traci Briggs, City Secretary Paula Miller, and Sergeant-at-Arms David Orr

Director of Volunteer Services Will Brewster gave the invocation, and Councilmember Wilkerson led everyone in the pledge of allegiance.

**Approval of Agenda**

Mayor Pro-Tem Cosper moved to approve the agenda as written with the postponing of PH-1 to August 11 and separate consideration of Consent Agenda items CA-12-CA-15, seconded by Councilmember Wilkerson. The motion was unanimously approved.

**Presentations**

PR-1 Presentation – Family Aquatics Center

Parks and Recreation Director Brett Williams announced the grand opening of the Family Aquatics Center will be July 25, and he described the features, hours, and rates.

**Consent Agenda**

- CA-1 Consider minutes of Regular City Council Meeting of June 23, 2009.
- CA-2 Consider minutes of Special City Council Meeting of June 30, 2009.
- CA-3 Consider a memorandum/resolution [09-098R] approving a FAA Lease Renewal at Skylark Field.
- CA-4 Consider a memorandum/resolution [09-099R] accepting an American Recovery and Reinvestment Act (ARRA) Federal Grant offer for Killeen-Fort Hood Regional Airport.
- CA-5 Consider a memorandum/resolution [09-100R] approving Bid Recommendation No. 09-15 Runway 15/33 Rehabilitation at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.
- CA-6 Consider a memorandum/resolution [09-101R] approving a contract with Jacobs Engineering for professional services, construction management of Runway 15/33 Rehabilitation at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.
- CA-7 Consider a memorandum/resolution [09-102R] approving supplemental agreement #1 to the professional services contract with Jacobs Engineering to provide for design of the terminal building expansion at the Killeen-Fort Hood Regional Airport.

- CA-8 Consider a memorandum/resolution [09-103R] authorizing a contract for the annual maintenance of Sungard Public Sector software.
- CA-9 Consider a memorandum/resolution [09-104R] authorizing application for 2009 Bulletproof Vest Partnership Program through the Bureau of Justice Assistance.
- CA-10 Consider a memorandum/resolution [09-105R] providing support for a Fiscal Year 2010 Tobacco Compliance Grant application.
- CA-11 Consider a memorandum/resolution [09-106R] amending the Septic Tank Elimination Policy.
- CA-16 Consider minutes of Special City Council Meeting of July 7, 2009.

Mayor Pro-Tem Cosper moved to approve the above items on the Consent Agenda, seconded by Councilmember Wells. The motion was approved unanimously.

- CA-12 Consider a memorandum/resolution approving the concept plan for the First Baptist Church Redevelopment Project.

City Manager Green advised the City had purchased the property from the First Baptist Church in December 2006 and consists of a singles building, education building, church office buildings, preschool facilities, Clements Chapel, and a sanctuary with a total square footage of 79,181. At a workshop on March 27, 2007, the Council provided input on the future development of the property as follows: the kitchen and fellowship hall should remain the same; the sanctuary should become a performance hall; the identity of the chapel should be maintained; three elevators should be added; the redeveloped facility should be a one-stop center for human services; it should be an anchor in the downtown and improve the quality of the area; it should be updated and provide a fresh image and look like a City building; the Head Start program should be housed in the facility; signage should be clear and in large print; consideration should be given to including faith-based services at part of the facility; consider retaining the name of the Clements Chapel; the facility should have the latest technology; Central Texas College classes should be considered for the facility; a VA satellite office within the facility should be considered along with Social Security/Medicare services, YMCA, and housing of State representatives within the facility; provide a leasing office for the facility; provide adequate parking; and “for profit” organizations should not be a part of the facility. These were staff’s directions. Construction and rehabilitation costs are estimated at \$4.3 million, and engineering is estimated at \$320,000. Those costs would be funded through 2009 Certificates of Obligation, CDBG funding, 2005 Certificates of Obligation, hotel occupancy tax revenues, and the grant from the stimulus energy and conservation package.

Mayor Hancock noted a number of individuals had signed up to speak.

Dick Young, 6501 Stagecoach, advised he was on the Council at the time the building was purchased, and the Council at that time considered the purchase as a vision for downtown redevelopment. He encouraged the Council to support the concept plan.

Also speaking in support of the plan were: Rose Thompson, 1804 Gaynor Drive, Richard Milburn Academy; Bernardine Martin, 4102 Paintbrush Drive; Judy Morales, 201 East Avenue D, Help Center; Martin Stanek, 903 Reynard Circle, Harker Heights; Kenneth Taylor, 1611

Antelope Trail, Harker Heights; Janell Sherwood, 2501 N. 13<sup>th</sup> Street, Temple, Central Texas 4-C; Ellen Tullos, 4203 Flamingo Drive.

Bill King, 186 Lonely Oaks, advised he did not have enough information on the project and did not want taxes to go up because of this undertaking. Clarissa Shea, 514 Lee Drive, wanted the church to become a church complex for all faiths.

Councilmember Wilkerson moved to approve the resolution, seconded by Mayor Pro-Tem Cospers.

Councilmember Purser noted that safety was her main concern and thought the City needed to purchase more of the surrounding area to make it safe for citizens.

Councilmember Workman was concerned with the cost and how the City would pay for it. He believed it will place too much burden on the citizen-taxpayers.

Councilmember Wells advised he had listened to the speakers; however, he said he did not have enough information to be satisfied this would revitalize the downtown.

Councilmember Rivera noted the original estimate three years ago for rehabilitation and construction was \$3.8 million. The estimated cost has increased one-half million since that time, and costs will continue to escalate. Without action of the City, the property could become a victim of vandalism.

Mayor Pro-Tem Cospers noted tenants have planned on this project; if the City waives its commitment, those tenants may go elsewhere. With the economy as it is, people need jobs, and this would be a great opportunity. The Council needs to look at this project in the long term.

Councilmember Cole advised he supported the purchase of the property; however, because of the increasing costs, he does not believe it would be prudent to go forward at this time.

Mayor Hancock advised that much of what the Council has done in the past has been criticized, ranging from the baseball fields, airport, Civic and Conference Center, Senior Center and Family Recreation Center, and those efforts have paid a big benefit to the City. The City needs to revitalize downtown, and this would be a step forward.

Councilmember Purser moved to amend the motion to table this item for one additional workshop; however, the motion died for lack of a second.

A vote was taken on the original motion, and it failed 3-4 (Councilmembers Cole, Purser, Wells, and Workman in opposition).

CA-13 Consider a memorandum/resolution authorizing the award of a professional services contract to Linda Johnston Architects for engineering and architectural services for the renovation of the First Baptist Church facility.

City Manager Green advised that since the previous item had failed, this item should not be approved.

Councilmember Cole moved to disapprove this item, seconded by Councilmember Workman.

Councilmember Wilkerson moved to amend the motion to table the item to the next meeting, seconded by Councilmember Rivera. Deputy City Attorney Briggs advised that the motion was conflicting with the original motion and could not be considered.

A vote was taken on the original motion to disapprove, and it was approved unanimously.

CA-14 Consider a memorandum/resolution for approval of job order contract with Jamail Construction for the renovation of the First Baptist Church facility (excluding head start program areas).

Councilmember Cole moved to disapprove this item, seconded by Councilmember Workman. The motion was approved 6-1 (Councilmember Wilkerson in opposition).

CA-15 Consider a memorandum/resolution [09-107R] authorizing the city's financial advisor and bond counsel to proceed with the issuance of obligations for the City's Capital Improvement Programs and further directing publication of Notice of Intention to issue City of Killeen, Texas Certificates of Obligation.

City Manager Green advised this action related to issuance of certificates of obligation for the capital improvement programs. He said the total amount should be reduced by \$3,500,000, the amount budgeted for the First Baptist Church. The 2009 general obligation package is for \$13,000,000 street projects and \$175,000 for the spray pad, or a total of \$13,175,000, all of which were approved by the voters in 2002. The certificates of obligation of \$6,500,000 consists of \$1,600,000 for street equipment, \$1,500,000 for the aquatic facility, \$1,500,000 for the Lions Park hike and bike trail, \$400,000 for various equipment, and \$1,500,000 for Stan Schlueter Loop improvements.

Councilmember Wells moved to approve issuing bonds in the amount of \$25,175,000 for all projects on the list, seconded by Councilmember Rivera.

Carol Polumbo, the City's bond counsel, advised that the certificates of obligation are intended to reimburse the City for purchase of the various pieces of equipment. If debt is not issued on any item, the City cannot reimburse the General Fund for those expenditures. The City's financial advisor, Dan Wegmiller, was asked about including \$3,500,000 for the First Baptist Church, even though the Council had rejected it. Mr. Wegmiller advised his firm would need to know that before the time when they went to the market to sell bonds.

A vote was taken on the motion to approve, and it was approved 5-2 (Mayor Pro-Tem Cosper and Councilmember Cole in opposition).

Councilmember Cole left the meeting at this time.

### Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider a request for an ordinance by Ki-Sun and Richard Saunders (Case #Z09-10) to rezone Suites 1 and 2, 2300 Rancier Avenue, from B-5 (Business District) to B-C-1 (General Business and Alcohol Sales District). The property is located approximately 330 feet east of the intersection of W.S. Young Drive on the south right-of-way of Rancier Avenue, Killeen, Texas. (Requires  $\frac{3}{4}$  majority vote for approval).

This item was deleted from the agenda and postponed to August 11.

PH-2 **HOLD** a public hearing and consider an ordinance amending the FY 2008-09 Killeen-Fort Hood Regional Airport Enterprise Fund budget by increasing revenues supporting receipt of an ARRA Federal Grant and increasing expenditures to cover projects associated with the receipt of an ARRA Federal Grant.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2008/2009 ANNUAL BUDGET OF THE CITY OF KILLEEN BY PROVIDING FUNDING FOR AN INCREASE IN DEPARTMENT OF AVIATION EXPENDITURE ACCOUNTS TOTALING \$2,752,473; PROVIDING FOR ADDITIONAL AVIATION FUND REVENUES IN THE AMOUNT OF \$2,752,473; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

This ordinance will amend the budget to reflect the acceptance of the FAA grant in the amount of \$2,752,473.

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

Councilmember Workman moved to approve the ordinance [09-040], seconded by Councilmember Rivera. The motion was approved 6-0.

PH-3 **HOLD** a public hearing and consider an ordinance amending the FY 2008-09 Annual Budget and Plan of Municipal Services of the City of Killeen, by increasing revenues and expenses in the various law enforcement grant fund accounts.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2008-2009 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE LAW ENFORCEMENT GRANT FUND EXPENDITURES BY \$25,699; PROVIDING ADDITIONAL GRANT

RECEIPTS IN THE AMOUNT OF \$25,699; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Assistant Police Chief Larry Longwell advised this ordinance will authorize the expenditure of grant funds received for the law enforcement grant.

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

Mayor Pro-Tem Cosper moved to approve the ordinance [09-041], seconded by Councilmember Workman. The motion was approved 6-0.

PH-4 **HOLD** a public hearing to provide citizens the opportunity to comment, and City Council to discuss and take action on the Interlocal Agreement and application of the Edward Byrne Memorial Justice Grant (JAG) for FY 2009-10.

Assistant Chief Longwell advised the City, along with the City of Temple and Bell County, have received a JAG grant for 2009. All entities must agree to the allocation, and passage of this resolution will accomplish that.

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

Councilmember Wilkerson moved to approve the resolution [09-108R], seconded by Councilmember Wells. The motion was approved 6-0.

### **Ordinances / Resolutions**

OR-1 Consider a memorandum/resolution appointing a Council member to the Celebrate Killeen Committee.

City Manager Green reported Councilmember Workman had requested to be replaced on the Celebrate Killeen Committee. Mayor Hancock advised he was not ready to name a replacement and asked that this be postponed until August 11.

Mayor Pro-Tem Cosper moved to postpone this appointment until the meeting of August 11, seconded by Councilmember Rivera. The motion was approved 6-0.

### **Citizens Petitions and Information**

CP-1 Julius Shaw (305 W. 22nd Street) - Downtown Service Centers

Mr. Shaw did not appear.

CP-2 Mr. & Mrs. Anthony Lavern (2008 Duncan Street) - ordinance parking on grass of her own private property

Neither Mr. nor Mrs. Lavern appeared.

CP-3 Joseph Johnson (814 West Dean) - proposed law pertaining to fencing in animals

Mr. Johnson did not appear.

### **Adjournment**

With no further business, upon motion being made by Councilmember Wells, seconded by Mayor Pro-Tem Cosper, and unanimously approved, the meeting was adjourned at 8:09 p.m.

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Timothy L. Hancock, Mayor

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Paula Miller, City Secretary