

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
October 8, 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, Jonathan Okray, and Jose Segarra

Absent: Steve Harris

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

Mayor Corbin 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 move OR-1 to the first item on the agenda to be considered and move CA-6 to the end of the Consent Agenda items. Motion seconded by Councilmember Foster. The motion carried unanimously.*

(Item moved to the beginning of the agenda for convenience of the Commission members.)

OR-1 Consider a memorandum/resolution appointing members of the Killeen Volunteers, Inc. – Youth Advisory Commission and swear in.

**Staff comments:** Roxanne Flores stated that there are 33 students for the Youth Advisory Commission. Staff recommends approval.

Mayor Corbin swore-in the members.

**Consent Agenda**

CA-1 Consider minutes of Regular City Council Meeting of September 24, 2013.

CA-2 Consider a memorandum/resolution authorizing the City Manager to enter into a contract to complete the Manhole Rehabilitation Phase 3 Project.

**Staff comments:** Sean Ray - Two contractor's submitted Buy Board proposals for this project, Insituform Technologies, LLC - \$296,072.91 and Fuquay, Inc. - \$321,350.51. Staff recommends awarding the Manhole Rehabilitation Phase 3 Project to Insituform Technologies, LLC in the amount of \$296,072.91 and authorize the City Manager to enter into a contract with Insituform Technologies. 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.

This contract includes the rehabilitation of 632 manholes and cleanouts.

- CA-3 Consider a memorandum/resolution authorizing the City Manager to enter into a grant agreement with Texas Department of Transportation for reimbursable STEP grant funds.

**Staff comments:** Chief of Police Baldwin - TXDOT has authorized the City of Killeen a grant for the purpose of conducting a combined program which includes the Speed program and Impaired Driver Mobilizations (IDM) program. If accepted, the City of Killeen is obligated to provide matching funds in the amount of \$51,043.96 and TXDOT will reimburse \$81,600.00 to meet the total award amount of \$132,643.96

The grant monies will be used to pay officers' salaries on an overtime basis and fringe benefits and vehicle mileage to work speed enforcement on designated portions of US Highway 190, Central Texas Expressway, Elms Road, WS Young Dr., Clear Creek Road, and Trimmier Road. The Impaired Driver Mobilization program is approved city wide.

This grant will run from October 1, 2013 to September 30, 2014.

Staff recommends the City Council approves this resolution and authorizes the City Manager to sign an agreement with TXDOT on behalf of the City of Killeen for receipt of up to \$81,600.00 in reimbursable STEP grant funds.

- CA-4 Consider a request for a final plat by the Jesse M. Kern Estate c/o Clayton Winkler (Case #13-026FS: Killeen (Watercrest) DTP VIII LLC Addition) being a final plat of approximately 2.633 acres, part of the Thomas Robinette Survey, Abstract No. 686. This property is located west of the intersection of Watercrest Road and Robinette Road and is addressed as 4102 Watercrest Road, Killeen, Texas.

**Staff comments:** Tony McIlwain - John Cowan & Associates, Inc. submits this request for Killeen (Watercrest) DTP VIII LLC Addition, being a final plat of approximately 2.633 acres. The property is zoned B-3 (Local Business District) and the applicant is platting the property into two commercial lots. A Dollar General Retail store will be constructed upon Lot 1.

The plat has met all provisions of the Killeen Code of Ordinances.

The Planning and Zoning Commission voted to approve the final plat by a vote of 7 to 0.

- CA-5 Consider a request for a final plat submitted by Hubert G. Collins and Patricia A. Collins (Case #13-027FS: Collins Addition) of approximately 2.448 acres, part of the Richard A. McGee Survey, Abstract No. 561. The property is located on the west right-of-way of S. Fort Hood Street (S.H. 195) west of the intersection of FM 2484, Killeen, Texas.

**Staff comments:** Tony McIlwain - Mitchell & Associates, Inc. submits this request on behalf of Glenn and Patricia Collins for *Collins Addition*, being a final plat consisting of 2.448 acres. The property is currently zoned B-3 (Local Business District) and the applicant is platting the property into two (2) lots. This is the final step in this plat process.

The plat has met all provisions of the Killeen Code of Ordinances.

The Planning and Zoning Commission approved the plat by a vote of 7 to 0.

CA-7 Consider a memorandum/resolution rescheduling the City Council meeting of October 22, 2013.

**Staff comments:** Due to the Mayor and several Council Members attending the annual AUSA meeting in Washington, D.C. and the lack of a quorum, it was requested that the City Council meeting scheduled for October 22, 2013 be rescheduled to October 29, 2013.

CA-8 Consider a memorandum/resolution authorizing the purchase of property located at 805 West Jasper Drive and authorizing the City Manager or Assistant City Manager to carry out the sale.

**Staff comments:** Scott Osborn - This 1.25 acre property includes an 8,750 sq. ft. warehouse, two adjacent buildings with a combined size of 2,460 sq. ft., and more than ample parking area. Water and Sewer staff has plans to develop the buildings and parking area over a three year period into a complex that will include ten offices, a training room, a lab, a meter shop, and a parking area for all employee parking. Elliot Electric has agreed to a sale price of \$435,000. Staff recommends that the City Council approve the purchase of the above-described property and building.

*Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 1 through 5, and 7 & 8 as presented. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

CA-6 **A.** Consider a request for a final plat submitted by WBW Development, Ltd. (Case #13-032FS: The Landing at Clear Creek Phase III) of approximately 46.72 acres, being part of the John E. Maddera Survey, Abstract No. 600. The property is located southeast of the intersection of Clear Creek Road (S.H. 201) and Mohawk Drive, Killeen, Texas. (Tabled from September 24, 2013 Council Meeting)

**Staff comments:** Tony McIlwain – This plat is known as The Landing at Clear Creek Phase III. The property is zoned R-1 (Single Family Residential District) and the applicant is platting the property into 179 residential lots and 3 tracts. The subdivision has two points of access from Mustang Creek Road (as platted in previous phases of The Landing at Clear Creek) and Prewitt Ranch Road (directly onto S.H. 201). The plat has met all provisions of the Killeen Code of Ordinances. The Planning and Zoning Commission voted to approve the plat by a vote of 5 to 0.

*Motion was made by Councilmember Segarra to approve CA-6(A). Motion was seconded by Councilmember Okray; motion carried unanimously.*

**B.** Consider a memorandum/resolution for a City/Owner Agreement to extend a 12-inch diameter water transmission main and to construct Mustang Creek Road and Prewitt Ranch Road as Minor Collector Streets as part of The Landing at Clear Creek Phase III Subdivision.

**Staff comments:** Tony McIlwain - In association with the plat application for the proposed subdivision, the developer has provided an agreement-in-principal and a formal cost proposal for a specific public improvement project.

An 8-inch diameter water distribution main needed to serve the proposed subdivision would be over-sized to a 12-inch diameter water transmission main - \$75,563.02. The proposed project costs are reasonable and reflect current industry construction costs.

The attached City/Owner Agreement reflects the cost to widen 1,209 linear feet of Mustang Creek Road and 2,795 linear feet of Prewitt Ranch Road to 44-foot width with associated storm drainage improvements - \$476,469.45. The proposed project costs are reasonable and reflect current industry construction costs.

Funding in the amount of \$116,102.77 is available for the widening of Mustang Creek Road and Prewitt Ranch Road, with associated storm drainage improvements, for City/Owner Agreement Participation. The remaining balance of the project cost in the amount of \$360,366.68 is proposed to be funded from the General Fund through an amendment to the FY 2013-2014 Fiscal Year Budget.

Recommend that the City Council agree to construct a 12-inch diameter potable water transmission main and to construct Mustang Creek Road and Prewitt Ranch Road as Minor Collector Streets, in association with The Landing at Clear Creek Phase III, and to authorize the City Manager to execute a City/Owner Agreement for these Public Improvements.

*Motion was made by Councilmember Segarra to approve CA-6(B). Motion was seconded by Mayor Pro-Tem Blackstone.*

*Motion was made by Councilmember Okray to amend the above stated motion by removing the remaining balance of \$360,366.68 from the General Fund. Motion failed for lack of a second. Original motion to approve CA-6(B) carried 5 to 1 with Councilmember Okray opposing.*

**C.** Consider a memorandum/resolution expressing official intent by the City to reimburse for certain costs related to City/Owner Agreement-in-Principal to construct Mustang Creek Road and Prewitt Ranch Road.

**Staff comments:** Tony McIlwain - This reimbursement resolution will allow the City to make expenditures on the procurements and projects identified and be subsequently reimbursed for those expenditures when the proceeds from the certificate of obligations are received. The costs will come out of the General Fund.

Mayor Corbin called for a record vote.

*Motion was made by Councilmember Gilmore to approve CA-6(C). Motion was seconded by Councilmember Segarra.*

*Councilmember Okray – No, Councilmember Gilmore – Yes, Mayor Pro-Tem Blackstone – Yes, Councilmember Clark – Yes, Councilmember Segarra – Yes, Councilmember Foster – Yes. Councilmember Harris was absent. Motion carried 5 to 1.*

### Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider an ordinance requested by Sergio Dominguez (Case #Z13-34) to rezone approximately 0.675 acres, part of the A. Thompson Survey, Abstract No. 813, from R-2 (Two-Family Residential District) to R-2 (Two-Family Residential District) with CUP (Conditional Use Permit) for a manufactured home. The property is locally known as 405 Houston Street, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**Staff comments:** Tony McIlwain - This request is to rezone 405 Houston Street from R-2 (Two-Family Residential District) to R-2 (Two-Family Residential District) with a CUP (Conditional Use Permit) to allow for the placement and habitation of a manufactured home. This is a vacant parcel of land. The greater area consists of existing manufactured housing units and older housing stock. A portion of the lot is in the flood plain fringe. Planning did request the property owner place the mobile home in the portion that is not in the flood plain. There is no time limitation requested with this CUP.

Staff notified sixteen (16) surrounding property owners within a 200' notification boundary. Staff has not received any responses.

The Planning and Zoning Commission recommended approval of the conditional use permit 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-1. Motion was seconded by Councilmember Segarra. Motion to approve PH-1 as amended carried unanimously.*

*Motion was made by Mayor Pro-Tem Blackstone to amend the above stated motion by adding a ten-year limitation on the CUP. Motion was seconded by Councilmember Foster. Motion carried 4 to 2 with Councilmember Okray and Councilmember Clark opposing.*

### Ordinances / Resolutions

- OR-2 Consider an ordinance approving a negotiated resolution with Atmos Energy Corp., Mid-Tex Division regarding the 2013 Annual Rate Review Mechanism and adopting tariffs with rate adjustments.

The City Secretary read the caption of the ordinance.

**Staff comments:** Traci Briggs - The RRM filing sought a \$22.7 million increase system wide based on what was alleged to be a cost of service revenue deficiency. ACSC hired consultants to investigate the request and supporting documentation. They determined that a rate increase was justified, but that the requested rate increase was

excessive. ACSC attorneys reached a compromised increase of \$16.6 million system wide. The alternative to negotiating would be to require Atmos to file a standard GRIP. The new rates will be effective November 1, 2013.

There is no fiscal impact to the City. The estimated monthly increase for residential customers is \$0.74.

The ACSC Executive Committee, of which the City is a member, recommends approving the attached ordinance authorizing the settlement and new rate tariffs.

*Motion was made by Councilmember Okray to approve OR-2. Motion was seconded by Councilmember Foster; motion carried unanimously.*

OR-3 Consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen; amending Article V, creating Division 11, Masonry and Design Standards.

The City Secretary read the caption of the ordinance.

**Staff comments:** Tony McIlwain - The Planning and Zoning Commission held two public hearings and received input from the developer/homebuilder community. Mr. McIlwain briefly gave regulations for residential and commercial buildings. This ordinance would not apply to existing buildings; only require masonry on new structures.

The Planning and Zoning Commission voted to recommend approval of the draft Masonry and Design Standards Ordinance by a vote of 5 to 2.

Layla Sekayla with Texas Masonry Council explained some benefits of requiring masonry on buildings and stated that an affordable home can be built with masonry.

Citizen comments: Bruce Whitis, 3000 Illinois, Killeen - spoke in opposition of the ordinance. Mr. Whitis has some doubts that businesses would come to Killeen if the masonry requirements the ordinance implements were required. Mr. Whitis showed a brief slide show of current Killeen commercial buildings.

Mayor Pro-Tem Blackstone recommended tabling this item pending further discussion at next workshop.

*Motion was made by Councilmember Segarra to disapprove OR-3. Motion was seconded by Councilmember Gilmore. Motion carried 4 to 3 as follows: Councilmember Gilmore, Councilmember Segarra, and Mayor Pro-Tem Blackstone voted Yes; Councilmember Okray, Councilmember Clark, and Councilmember Foster voted No. Mayor Corbin broke the tie by voting Yes.*

*Motion was made by Mayor Pro-Tem Blackstone to table until next workshop. Motion failed for lack of second.*

OR-4 Consider a memorandum/resolution appointing members to various boards, commissions and committees.

**Staff comments:** Ann Farris – presented a list of boards and commissions with various vacancies that need to be filled.

*Motion was made by Councilmember Clark to appoint Dirk Davis to the Civil Service Commission. Motion was seconded by Councilmember Gilmore; motion carried unanimously.*

*Motion was made by Councilmember Gilmore to appoint Chian Chi, and re-appoint Michelle Lee and Robin DeHart to the Heritage Preservation Board. Motion was seconded by Councilmember Segarra; motion carried unanimously.*

*Motion was made by Councilmember Segarra to appoint John Gilmore and Charlie Watts to the Killeen Economic Development Corporation. Motion was seconded by Councilmember Clark; motion carried with 5-Yes, 0-No, and 1-abstention, Councilmember Gilmore.*

*Motion was made by Mayor Pro-Tem Blackstone to appoint Margaret Tucker, Rachel Brent, Linda Knotts, and Debbie Nash-King to the Killeen Volunteers, Inc. Motion was seconded by Councilmember Clark; motion carried unanimously.*

*Motion was made by Councilmember Gilmore to appoint Brandon Harlee, Sr. and Amber Cobbs to the Tree Advisory Board. Motion was seconded by Councilmember Foster; motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Clark, and unanimously approved, the meeting was adjourned at 6:42 p.m.

---

Daniel A. Corbin, Mayor

---

Dianna Barker, City Secretary