

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
November 13, 2012  
5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Michael Lower, Councilmembers Elizabeth Blackstone, Terry Clark, Jared Foster, Wayne Gilmore, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, Deputy City Attorney Traci Briggs, and City Secretary Paula Miller

Rev. Mark Bushor gave the invocation, and City Manager Morrison led everyone in the pledge of allegiance.

**Approval of Agenda**

Mayor Pro-Tem Lower moved to approve the agenda as written, seconded by Councilmember Okray. The motion was unanimously approved.

**Consent Agenda**

CA-1 Consider minutes of Regular City Council Meeting of October 30, 2012.

CA-2 Consider a memorandum/resolution [12-089R] authorizing a memorandum of understanding for the Texas Forest Service Regional Type III Incident Management Team.

This agreement will allow the City to be reimbursed for costs involved in deployment in the event of disasters and training involved with the Type III Incident Management Team.

CA-3 Consider a memorandum/resolution [12-090R] authorizing purchase of bunker gear for fire fighters.

This purchase of bunker gear is necessary to replace twenty-nine sets that are now older than ten years old.

CA-4 Consider a memorandum/resolution [12-091R] authorizing the City Manager to submit a Transportation Enhancement Program application to the Texas Department of Transportation (TXDOT) to construct a hike and bike trail.

This application is to add an additional 1.35 miles of trail between Watercrest Road to West Elms Road. The City's portion of the cost is estimated at \$704,133.00.

CA-5 Consider a memorandum/resolution [12-092R] authorizing change order No. 3 to the SH 195/SH 201 interchange pass-through financing contract with Anderson Columbia Company, Inc.

Change Order #3 is actually a reduction of \$370,101.77, resulting from the elimination of lime and lime treatment from portions of the project.

CA-6 Consider a memorandum/resolution [12-093R] authorizing participation in the Surface Water Quality Assessment Clean Water Act §319(h) project grant.

This agreement with the Texas Institute for Applied Environmental Research will allow the city to participate in a grant to test water quality further upstream, and the City's share is \$53,500.00.

CA-7 Consider a memorandum/resolution [12-094R] authorizing a professional services agreement with Pipeline Analysis for Phase 2 of the sewer line sanitary sewer evaluation survey.

This agreement in the amount of \$274,881 is for the phase 2 portion of the sanitary sewer evaluation survey to be performed by Pipeline Analysis, and it will survey 430,000 feet of sewer line.

CA-8 Consider a memorandum/resolution [12-095R] accepting the Texas Traffic Safety Program Grant Agreement with the Texas Department of Transportation (TxDOT) for reimbursable overtime for the Selective Traffic Enforcement Program (STEP) for impaired driver mobilization (IDM) and speed enforcement.

This STEP grant will allow for reimbursement of costs up to \$168,800 for speed enforcement and impaired driver mobilization along US Highway 190, Central Texas Expressway, Veterans Memorial Boulevard, WS Young Drive, Clear Creek Road, and Trimmier Road.

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

### **Public Hearings / Ordinances**

PH-1 **HOLD** a public hearing and consider an ordinance as requested by James Lee and Youn S. Lee (Case #Z12-38) to rezone approximately 1.92 acres, part of the Thomas Robinette Survey, Abstract No. 226 from R-1 (Single-family Residential District) to B-3 (Local Business District). The property is locally known as 3512 Edgefield Street, Killeen, Texas.

The caption of the ordinance was read 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-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE;

**PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

This rezoning request for B-3 is submitted on undeveloped land. It is designated as general residential on the Comprehensive Plan, but B-3 would be compatible with that zoning. There were three letters of notification, and one was returned with questions regarding future use. The Planning and Zoning Commission recommended approval of the B-3 zoning.

Mayor Corbin opened the public hearing.

Philip Marley, 263 Buggy Road, and Eugene Kim spoke in support of the request. The façade of the building when constructed will have a residential appearance to it, and whatever business is developed will have low vehicle traffic and impact on the neighborhood.

With no one else appearing, the public hearing was closed.

Councilmember Segarra moved to approve the ordinance [12-078], seconded by Councilmember Blackstone. The motion was approved 6-1 (Mayor Pro-Tem Lower in opposition).

PH-2 **HOLD** a public hearing and consider an ordinance as requested by Killeen BES (Case #Z12-42) to rezone part of Drainage Tract 'A' in Trimmier Estates, Phase 1 Replat, from R-1 (Single-Family Residential District) to B-3 (Local Business District). The property is located south of Safari Drive on the west right-of-way of Trimmier Road, Killeen, Texas.

The caption of the ordinance was read 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-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

This rezoning request for B-3 is submitted on a drainage tract of approximately .267 acre and is intended for commercial development. The request is in accordance with the Comprehensive Plan, and the Planning and Zoning Commission recommended approval of the request.

Mayor Corbin opened the public hearing. Benjamin Purser, 5702 Aquarius, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Gilmore moved to approve the ordinance [12-079], seconded by Councilmember Clark. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider an ordinance as requested by Gus Almandoz (Case #Z12-43) to rezone, Lots 3 and 4, Block 1, Western Oaks Addition from A

(Agricultural District) and A-R1 (Agricultural Single-family Residential District) to R-1 (Single-family Residential District). The property is located approximately 3,000 feet north of Reese Creek Road, on the west right-of-way of Yates Road, Killeen, Texas.

The caption of the ordinance was read 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 A (AGRICULTURAL DISTRICT) AND AR-1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO SR-1 (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request for single-family residential zoning is submitted on property currently zoned agricultural and agricultural single-family. The intention is to create smaller lots; however, there is concern regarding the availability of water and sewer service. There were seven letters of notification, and one letter was returned expressing environmental concerns. The Planning and Zoning Commission asked the applicant if he would be willing to accept SR-1 zoning. That zoning had not been in existence at the time the applicant filed his request. The applicant had no objection to the SR-1.

Mayor Corbin opened the public hearing.

Gus Almandoz, 706 W. Hallmark, appeared in support of his request, and he stated his willingness to accept SR-1 zoning since he intended the lots to be larger than normal R-1 lots.

Mary Helen Ralston, 408 Yates Road, noted the properties in this area are more than two and one-half acres and are allowed to maintain septic tanks. Sewer service is not currently available in this area. The area is prone to flooding, and she believed development would intensify this flooding.

Herman Aquinoc, 413 Yates Road, expressed concern that this development would change the rural neighborhood.

With no one else appearing, the public hearing was closed.

City Planner Tony McIlwain advised that this property will not be allowed to use septic tanks, and water and sewer will have to be extended, at the applicant's cost, to serve the properties. Drainage and other factors will be reviewed during the platting process.

Councilmember Clark moved to approve the ordinance [12-080] with SR-1 zoning, seconded by Councilmember Segarra. The motion was approved 5-2 (Mayor Pro-Tem Lower and Councilmember Gilmore in opposition).

PH-4 **HOLD** a public hearing and consider an ordinance amending the FY 2012-13 Annual Budget and Plan of Municipal Services of the City of Killeen to authorize the carry forward of FY 2011-12 funds to the FY 2012-13 budget.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING VARIOUS GENERAL FUND ACCOUNTS BY \$294,880; INCREASING VARIOUS AVIATION FUNDS ACCOUNTS BY \$35,178; INCREASING VARIOUS SOLID WASTE FUND ACCOUNTS BY \$227,293; INCREASING VARIOUS WATER AND SEWER FUND ACCOUNTS BY \$954,453; INCREASING VARIOUS DRAINAGE UTILITY FUND ACCOUNTS BY \$357,157; INCREASING VARIOUS FLEET SERVICES BY \$350,068; INCREASING VARIOUS SPECIAL REVENUE FUNDS ACCOUNTS BY \$369,155; INCREASING VARIOUS CAPITAL PROJECT FUNDS ACCOUNTS BY \$21,863,589; TO AUTHORIZE THE CARRY FORWARD OF FY 2011-12 FUNDS TO THE FY 2012-13 BUDGET ; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

At the end of the fiscal year on September 30, there were outstanding contracts and commitments that had not been completed. Those amounts must be carried over into this year's budget. There is no impact as a result of this action.

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

Councilmember Blackstone moved to approve the ordinance [12-081], seconded by Councilmember Okray. The motion was approved unanimously.

### **Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Lower, seconded by Councilmember Gilmore, and unanimously approved, the meeting was adjourned at 5:40 p.m. and convened into a special workshop session.

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Daniel A. Corbin, Mayor

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Paula Miller, City Secretary