

City of Killeen
Special City Council Meeting
Killeen City Hall
May 29, 2012
6:00 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 Interim Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms Carl Pergande

Rev. Jimmy Towers gave the invocation, and Mayor Pro-Tem Lower led everyone in the pledge of allegiance.

Approval of Agenda

Mayor Pro-Tem Lower moved to approve the agenda as written except to consider CA-6 separately, seconded by Councilmember Segarra. Mayor Pro-Tem Lower amended the motion to include the deletion of PH-3A, seconded by Councilmember Blackstone. The amendment to the motion was unanimously approved, and a vote on the motion as amended was unanimously approved.

Consent Agenda

- CA-1 Consider minutes of Regular City Council Meeting of May 22, 2012.
- CA-2 Consider a memorandum/resolution [12-015R] authorizing the award of construction contract Bid No. 12-01 for the downtown streetscaping-Andy K. Wells trail extension to the Fain Group Construction Company.
- CA-3 Consider a memorandum/resolution [12-016R] ratifying the emergency procurement of two Quick Attack fire trucks for the Fire Department.
- CA-4 Consider a memorandum/resolution [12-017R] approving the investment report for the quarter ending March 31, 2012.
- CA-5 Consider a memorandum/resolution [12-018R] authorizing proceeding with Issuance of Certificates of Obligation and further directing the publication of Notice of Intention to issue City of Killeen, Texas Combination Tax and Revenue Certificates of Obligation.
- CA-7 Consider resolution [12-019R] appointing Glenn Morrison Killeen City Manager subject to the successful negotiation of an employment contract, and appointing a negotiating committee.

Councilmember Gilmore moved to approve the above items on the Consent Agenda, seconded by Councilmember Blackstone. The motion was approved unanimously.

- CA-6 Consider rescheduling regular city council meeting from June 12, 2012 to June 14, 2012.

Councilmember Clark did not think the City Council should move its regular meeting on June 12 because of a conflict with events at Fort Hood. Mayor Corbin pointed out the event in question was a community farewell for First Cavalry General Allyn.

Councilmember Clark moved to disapprove the resolution, seconded by Councilmember Okray. The motion was approved 4-3 (Mayor Pro-Tem Lower and Councilmembers Foster and Gilmore in opposition).

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider a plat submitted by Watercrest Self Storage, (Case #12-012RS: Replat of Watercrest Self Storage Addition) being a replat of Lot 1, Block 1, Watercrest Self Storage Addition. The property is locally known as 2206 Windfield Drive, Killeen, Texas.

This replat subdivides the property into two lots and is intended for commercial development. The Planning and Zoning Commission recommended approval of the plat.

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

Mayor Pro-Tem Lower moved to approve the plat, seconded by Councilmember Clark. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider a request by RSBP Developers to revise the Comprehensive Plan's future land use map (FLUM) to change a 'Rural' designated area to a 'General Residential' designated area. The property is located on the west right of way of Bunny Trail, approximately 0.6 mile south of W. Stan Schlueter Loop (FM 3470), Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'RURAL' TO 'GENERAL RESIDENTIAL' FOR 153.314 ACRES OF LAND LOCATED ALONG THE WEST RIGHT-OF-WAY OF BUNNY TRAIL, APPROXIMATELY .6 MILE SOUTH OF W. STAN SCHLUETER LOOP (FM 3470); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

This request to amend the future land use map is to make it consistent with the development intent and is consistent with the surrounding properties. The Planning and Zoning Commission recommended approval of the request. The intended use for this property is for single-family homes.

Mayor Corbin opened the public hearing.

Dennis Drury, 1012 Bonner, inquired as to the number of homes and the size of the platted area. City Planner Tony McIlwain reported it would exceed 100 homes as submitted; however, this request exceeds the 100 acres previously platted.

Tony Cooper, 2406 Felix Road, asked to view the map and asked about commercial development in the area. There is no commercial development planned at this time.

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

Mayor Pro-Tem Lower moved to approve the ordinance [12-002], seconded by Councilmember Segarra. Councilmember Clark asked whether the Council should have looked at the land use plan first, prior to rezoning. Mr. McIlwain advised staff attempts to make any zoning consistent with the land use plan. The motion was approved 5-2 (Councilmembers Clark and Okray in opposition).

PH-3 A. **HOLD** a public hearing and consider a request by the First Baptist Church to revise the Comprehensive Plan's future land use map (FLUM) to change a General Residential designated area to a General Commercial designated area. The property is locally known as 3310 S. W.S. Young Drive, Killeen, Texas. [*This item was deleted from the agenda.*]

B. **HOLD** a public hearing and consider an ordinance as requested by the First Baptist Church (Case #Z11-53) to rezone Lot 1, Block 1, FBC Addition from R-1 (Single Family Residential District) to B-5 (Business District) for an on premises sign. The property is locally known as 3310 S. W.S. Young Drive, 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 is for commercial zoning in order to replace an existing sign to an electronic message display sign. The Planning and Zoning Commission recommended approval for B-3 east of the existing church driveway south to a depth of fifty feet and west along the abutting adjacent commercial property and street frontage of Little Nolan Road and W. S. Young Drive to a depth of fifty feet.

Mayor Corbin opened the public hearing. Tim McKeown, representing the First Baptist Church, advised the sign will enhance the property, and asked consideration of the request. With no one else appearing, the public hearing was closed.

Councilmember Gilmore moved to approve the ordinance [12-003], seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider an ordinance as requested by Yun K. and Kyong S. Na (Case #Z11-54) to rezone approximately 0.999 Acre, being part of the Julia Stephens Survey, Abstract No. 745 from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) for on premises sale and consumption of alcoholic beverages. The property is located on the south right-of-way of Vahrenkamp Drive approximately 305 feet west of Clear Creek Road (SH 201), 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 B-5 (BUSINESS DISTRICT) TO RC-1 (RESTAURANT AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted on a vacant tract of land and is intended for development as a restaurant. The applicant is seeking the change in order to allow for the sale and consumption of alcoholic beverages. There was no response to the three letters of notification. The Planning and Zoning Commission recommended approval of the request for the footprint of the restaurant only.

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

Councilmember Clark moved to approve the ordinance [12-004], seconded by Councilmember Segarra. The motion was approved unanimously.

PH-5 **HOLD** a public hearing and consider an ordinance as requested by Will D. Company, LLC (Case #Z11-55) to rezone part of Lot 1, Block 1, Vernon Addition, from M-1 (Manufacturing District) to RC-1 (Restaurant and Alcohol Sales District) for on premises sale and consumption of alcoholic beverages. The property is locally known as 3921-A E. Stan Schlueter Loop, 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 M-1 (MANUFACTURING DISTRICT) TO RC-1 (RESTAURANT AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted for the Billy Bob's restaurant to allow for sale and consumption of alcoholic beverages. There was no response to the five letters of notification, and the Planning and Zoning Commission recommended approval of the request for the footprint of the existing building. The property is not within 300 feet of a church, public or private school, or public or private hospital.

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

Councilmember Gilmore moved to approve the ordinance [12-005], seconded by Councilmember Blackstone. The motion was approved unanimously.

PH-6 **HOLD** a public hearing and consider an ordinance as requested by James Robert Group, LLC (Case #Z11-56) to rezone part Lot 1, Block 1, Plentl Addition, Phase 2, from B-3 (Local Business District) to B-3A (Local Business and Retail Alcohol Sales District) for a package liquor store. The property is locally known as 1310 W. Stan Schlueter Loop, 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 B-3 (LOCAL BUSINESS DISTRICT) TO B-3A (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted to allow for a package store in one of the suites of a building yet to be constructed. The B-3A zoning will be limited to 1,800 square feet; if approved, the B-3A zoning will be overlaid at the time building permits are issued. There was no response to the five letters of notification, and the Planning and Zoning Commission recommended approval for 1,800 square feet only.

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

Councilmember Clark moved to approve the ordinance [12-006], seconded by Councilmember Segarra. In response to a question from Mayor Pro-Tem Lower, Mr. McIlwain said he believed there were now thirteen package stores in Killeen. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance amending Chapter 28 of the City of Killeen's Code of Ordinances – maximum speed on Business 190 (VMB).

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY ESTABLISHING THE MAXIMUM SPEED ON BUSINESS 190 (VETERANS MEMORIAL BOULEVARD), PENALTY, AND NO CULPABLE MENTAL STATE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This code amendment will change the speed limit on Veterans Memorial Boulevard from Fort Hood Street to Conder Street from thirty miles per hour to forty miles per hour. This change is as a result of a study performed by TxDOT.

Councilmember Clark moved to approve the ordinance [12-007], seconded by Councilmember Blackstone. The motion was approved unanimously.

OR-2 Consider an ordinance amending Chapter 28 of the City of Killeen's Code of Ordinances – maximum speed on SH195 (Fort Hood Street) within construction zone.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY ESTABLISHING THE MAXIMUM SPEED ON STATE HIGHWAY 195 (FORT HOOD STREET), PENALTY, AND NO CULPABLE MENTAL STATE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This code amendment will change the speed limits on SH 195 as follows: from the current sixty MPH for southbound traffic to fifty-five and from the current 70 MPH for northbound traffic to fifty-five MPH in the construction zone of the SH 195/201 project. An amendment will be brought forward changing the speed zones back.

Councilmember Gilmore moved to approve the ordinance [12-008], seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

OR-3 Consider an ordinance amending Chapter 28 of the City of Killeen's Code of Ordinances – no stopping in front of Willow Springs Elementary School along Stan Schlueter Loop.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE V, OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY ADDING NO PARKING, NO STANDING, NO STOPPING FOR THE AREA IN FRONT OF WILLOW SPRINGS ELEMENTARY SCHOOL ALONG STAN SCHLUETER LOOP (FM 3470), PENALTY, AND NO CULPABLE MENTAL STATE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A

SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Approval of this code amendment will allow TxDOT to install no stopping signs in front of the school, prohibiting stopping or parking along the 800 feet of frontage along the south side of Stan Schlueter. Another amendment will be brought at a future date for the north side as well. Councilmember Clark advised he would like language added to this one to apply to both sides. TxDOT will install the signs once it has received a copy of the ordinance. Warning citations will first be given.

John Dye, representing KISD, advised there is adequate parking on the east side of the school. KISD will look at increasing the amount of parking available.

Councilmember Clark moved to approve the ordinance [12-009] with the addition of no stopping on either side of Stan Schlueter, seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

- OR-4 Consider an ordinance amending Chapter 28 of the City of Killeen's Code of Ordinances for school zones.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, MISCELLANEOUS RULES OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY ADDING MAXIMUM SPEED LIMITS FOR SCHOOL ZONES, PENALTY, AND NO CULPABLE MENTAL STATE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This amendment is to add Haynes Elementary, Liberty Hill, and Saegert Ranch into the school zone ordinance.

Councilmember Blackstone moved to approve the ordinance [12-010], seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

- OR-5 Consider an ordinance of the City Council of the City of Killeen, Texas, authorizing the issuance and sale of City of Killeen, Texas, General Obligation Improvement and Refunding Bonds; providing for the security for and payment of said bonds; prescribing the form of said bonds; approving the official statement, bond purchase agreement, paying agent/registrar agreement and escrow agreement; establishing the procedures for selling and delivering the bonds; and enacting other provisions relating to the subject.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF KILLEEN, TEXAS, GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

This ordinance authorizes the sale of \$1.2 million of General Obligation bonds and refunding bonds in an amount that results in the saving of \$2.1 million.

Councilmember Clark moved to approve the ordinance [12-011], seconded by Councilmember Segarra. The motion was approved unanimously.

OR-6 Consider an ordinance of the City Council of the City of Killeen, Texas, authorizing the issuance and sale of City of Killeen, Texas, Waterworks and Sewer System Revenue Refunding Bonds; providing for the security for and payment of said bonds; prescribing the form of said bonds; approving the official statement, bond purchase agreement, paying agent/registrar agreement and escrow agreement; establishing the procedures for selling and delivering the bonds; and enacting other provisions relating to the subject.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF KILLEEN, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

This ordinance authorized the sale of Waterworks and Sewer System Revenue bonds that will result in a savings of \$625,186.

Councilmember Clark moved to approve the ordinance [12-012], seconded by Councilmember Okray. The motion was approved unanimously.

Citizens Petitions and Information

CP-1 Dr. Lyle Cheadle (4220 S. Fort Hood Street) – Sign Ordinance

Dr. Cheadle, owner of Guns Galore, believed the sign ordinance discriminates against the small business owner, and he believed his business should have been grandfathered since he had been in business since 1999. Provision for grandfathering of signs for larger companies exists, and it should also apply to small companies. He asked the Council to review the sign ordinance.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Lower, seconded by Councilmember Segarra, and unanimously approved, the meeting was adjourned at 7:06 p.m. and reconvened the Workshop session.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary