

City of Killeen
Regular City Council Meeting
Killeen City Hall
July 10, 2012
5:00 p.m.

Presiding: Mayor Daniel A. Corbin

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

Also attending were City Manager Glenn Morrison, Deputy City Attorney Traci Briggs, City Secretary Paula Miller, and Sergeant-at-Arms Adam Wilt

Absent: Councilmember Elizabeth Blackstone

Rev. Edmond Jones 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, seconded by Councilmember Clark. The motion was unanimously approved.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of June 26, 2012.

CA-2 Consider a memorandum/resolution [12-035R] authorizing a contract for the annual maintenance of Sungard Public Sector software.

This is an annual maintenance contract for software that runs Financials, Human Resources, Building Permits, Utility Billing, and Code Enforcement.

CA-5 Consider a memorandum/resolution [12-036R] ratifying various contracts and expenditures entered into and incurred to repair fire damages to the city's Transfer Station.

This ratification will complete all repairs necessary as a result of the June 27, 2011, fire at the Transfer Station. The original work was authorized by the City Council on November 8, 2011.

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

CA-3 Consider a plat submitted by Killeen Thundercreek, Ltd. (Case #12-018FS: Thunder Creek Estates, Phase Two) being part of the Thomas Robinett Survey, Abstract No. 686. The property is located on the west right-of-way of Cody Poe Road approximately 1,200 feet south of Watercrest Road, Killeen, Texas.

This plat is divided into fifteen lots, and the Planning and Zoning Commission recommended approval of the plat since it meets all development regulations. The majority of the property in the back will not be developed other than as an area for flood overflow, green space, and park space.

Councilmember Gilmore moved to approve the plat, seconded by Councilmember Segarra. The motion was approved 5-1 (Councilmember Okray in opposition).

CA-4 Consider a petition submitted by WBW Land Investments, L.P., requesting the extension of the corporate city limits of the City of Killeen, by annexing 55 acres located east of S. Clear Creek Road (S.H. 201), approximately 7,000 feet south of W. Stan Schlueter Loop (FM 3470).

The City received a petition for the voluntary annexation of fifty-five acres east of Clear Creek Road. If the petition is approved, the ordinance for annexation will be presented to the Council at its August 14 meeting.

Mayor Pro-Tem Lower moved to approve the petition, seconded by Councilmember Segarra. The motion was approved 5-1 (Councilmember Okray in opposition).

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider an ordinance as requested by Joker's Icehouse, (Case #Z12-10) to rezone approximately .818 acre, being part of the J. E. Maddera Survey, Abstract No. 600, from B-5 (Business District) with Specific Use Permit (SUP) to B-C-1 (General Business & Alcohol Sales District) for the on-premises sale and consumption of alcohol. The property is located at 3404 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-5 (BUSINESS DISTRICT) WITH SPECIFIC USE PERMIT (SUP) TO B-C-1 (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is to replace the Specific Use Permit with permanent zoning to allow for the sale and on-premises consumption of alcohol in conjunction with the restaurant. There were three letters of opposition returned in response to the 107 letters of notification, and the Planning and Zoning Commission recommended approval of the request limited to the footprint of the building and the currently fenced-in area. There will be no impact if the church later develops adjacent property.

Mayor Corbin opened the public hearing. Andrea Thompson, 3404 W. Stan Schlueter Loop, appeared in support of the application, as well as Loy Fasaka, 5909 Graphite. With no one else appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-031], seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance as requested by J. McLean and Sons, Ltd. (Case #Z12-11) to rezone Lots 2 and 3, Block 1, Jamesway Addition, Phase Six, from B-5 (Business District) to R-2 (Two-family Residential District). The property is located at 1103 and 1105 Conner Court, 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 R-2 (TWO FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted to make both lots consistent with R-2 zoning. It currently has split B-5 and R-2 zoning. There was no response to the nine letters of notification, and the Planning and Zoning Commission recommended approval of the request.

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

Councilmember Gilmore moved to approve the ordinance [12-032], seconded by Councilmember Clark. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance amending Chapter 31, Article IV, Division 21, District “UOD” University Overlay District.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE IV, DIVISION 21, DISTRICT “UOD” UNIVERSITY OVERLAY DISTRICT, BY REVISING THE DISTRICT NAME, ZONING REGULATIONS AND REQUIREMENTS THEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The Planning and Zoning Commission has worked to improve the university district to allow more uses appropriate in this area. Property owners, as well as Texas A&M University-Central

Texas, were involved in the discussions and are in agreement with the recommended changes. The first 950 feet of depth will be designated for commercial, and the remaining 550 feet will be designated for mixed-use development.

Mayor Pro-Tem Lower moved to approve the ordinance [12-033], seconded by Councilmember Clark. The motion was approved unanimously.

OR-2 Consider an ordinance amending Chapter 31, Article IV, Division 22, District “COD” Cemetery Overlay District.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE IV, DIVISION 22, DISTRICT “COD” CEMETERY OVERLAY DISTRICT, BY REVISING THE DISTRICT NAME, ZONING REGULATIONS AND REQUIREMENTS THEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The Commission went through the same process for the cemetery district to allow more uses appropriate to this area. Public hearings were held, with all property owners being invited to attend.

Councilmember Clark moved to approve the ordinance [12-034], seconded by Councilmember Segarra. The motion was approved unanimously.

OR-3 Consider a memorandum/resolution [12-037R] to appoint two council members to the Downtown Partnership Committee.

Mayor Corbin noted that the consensus of opinion at the workshop had been to appoint him and Councilmember Foster to the Downtown Partnership Committee.

Mayor Pro-Tem Lower moved to appoint Mayor Corbin and Councilmember Foster to the Committee, seconded by Councilmember Okray. The motion was unanimously approved.

OR-4 Consider an ordinance authorizing the issuance and sale of City of Killeen, Texas, Combination Tax and Revenue Certificates of Obligation.

Councilmember Gilmore moved to lay this item on the table until the completion of OR-5, seconded by Councilmember Segarra. The motion was unanimously approved.

OR-5 A. **RECEIVE** Fiscal Year 2012-13 Proposed Annual Budget and Plan of Municipal Services.

B. Presentation/Briefing- City Manager’s Proposed Annual Budget and Plan of Municipal Services for FY 2012-13.

C. **SET** the date of August 14, 2012 to hold a public hearing on fiscal year 2012-13 Annual Budget and Plan of Municipal Services and set preliminary tax rate.

City Manager Morrison presented his preliminary budget for 2012-2013 to the City Council. It proposes no tax increase from the current 0.7428 as well as no rate increases. Over the next several weeks, the Council will review all aspects of the budget. There will be a drawdown from the General Fund of \$2,232,474; however, the City will maintain a level of 22-25% reserve as required.

Councilmember Okray moved to set the date of August 14 to hold a public hearing on the budget and to set the preliminary tax rate, seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

Councilmember Okray moved to take OR-4 off the table, seconded by Councilmember Gilmore.

OR-4 Consider an ordinance authorizing the issuance and sale of City of Killeen, Texas, Combination Tax and Revenue Certificates of Obligation.

Bart Fowler, representing the financial advisor, advised this will authorize issuance of up to \$7.5 million. Of that amount, \$3 million will be used for the US 190 project, \$3.7 million for Public Safety. The ordinance needs to be completed with the addition of a maturation date of December 31, 2028 in paragraph 3.02(a), and provide no interest rate greater than five percent is allowed in paragraph 3.02(b). Also, an addition needs to be made to that same paragraph in that (iii) shall read: “each series of the Certificates shall be rated by a nationally recognized rating agency in one of the four higher rating categories unless a series of Certificates is sold through a private placement as determined by the rating officer, in which case no rating will be required.”

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, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; PRESCRIBING THE FORM OF SAID CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, FORMS OF BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE CERTIFICATES; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Councilmember Segarra moved to approve the ordinance [12-035], seconded by Councilmember Gilmore. 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 5:50 p.m.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary