

City of Killeen
Regular City Council Meeting
Killeen City Hall
July 22, 2014 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Absent: Mayor Pro-Tem Blackstone

Also attending were City Manager Glenn Morrison, Deputy City Attorney Traci Briggs, City Secretary Dianna Barker, and Sergeant-at-Arms Bradley.

Mr. Joe Wesson gave the invocation, and Kevin McCoy led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Councilmember Clark to approve the agenda removing agenda item PH-048. Motion seconded by Councilmember Rivera. Motion carried 4 to 3 with Councilmember Okray, Councilmember Harris, and Councilmember Clark in opposition, and Councilmember Gilmore, Councilmember Segarra, and Councilmember Rivera in favor. Mayor Cospers broke the tie by voting to approve the motion.

Consent Agenda

CA-14-096 Consider minutes of Regular City Council meeting of July 8, 2014.
No changes.

CA-14-097 Consider a memorandum/resolution authorizing a City/Owner Agreement-in-Principal to construct a portion of the Yowell Creek Tributary Gravity Sanitary Sewer Interceptor (2012 Water & Wastewater Master Plan Project 11S) as a part of the Yowell Ranch, Phase IV Subdivision.
Staff comments: Scott Osburn
Staff recommends that the City Council agree to construct a 10-inch diameter gravity interceptor in association with the Yowell Ranch, Phase IV Subdivision, in the amount of \$45,265.73 and to authorize the City Manager to execute a City/Owner Agreement for these Public Improvements.

CA-14-098 Consider a memorandum/resolution authorizing the City Manager to execute a Landscape Maintenance Agreement with the Texas Department of Transportation providing for the maintenance of landscaping at the SH 195/SH 201 gateway overpass.
Staff comments: Scott Osburn
As part of the SH 195/SH 201 Interchange project, the overpass includes aesthetic elements where watering and maintenance is required.

By entering into this Landscape Maintenance Agreement, the City affirms its acceptance of responsibility for the maintenance of all landscape elements within the limits of the state right of way including all median and island areas, but excluding paved areas intended for vehicular travel.

City staff recommends that the City Council authorize the City Manager to enter into the Landscape Maintenance Agreement with the Texas Department of Transportation.

CA-14-099 Consider a memorandum/resolution for an Interlocal Assistance Agreement for continued participation in the Bell County Organized Crime Unit.

Staff comments: Police Chief Baldwin

The Killeen Police Department desires to participate in the joint investigation and apprehension of assorted criminal activity by continuing participation in the Bell County Organized Crime Unit.

The Killeen Police Department shall provide one fully-equipped police officer and vehicle to the BCOCU.

Staff recommends that City Council approve Killeen's continued participation in the Bell County Organized Crime Unit in accordance with the Interlocal Agreement.

CA-14-100 Consider a memorandum/resolution authorizing the acquisition of multiple tracts of land to be used for public purposes.

Staff comments: Holli Clements

City staff received requests to accept donations of various tracts of real property. Staff received a letter from Gary Purser, Jr. listing the tracts of land within Killeen city limits offered to be donated for the benefit of the City and its citizens.

Additionally, TST/Impreso, Inc. has also expressed interest in donating a 4.549 acre tract of land on Florence Road that could be used for a hike and bike trail and drainage purposes.

City staff recommends that the City Council accept the donation of the properties described and to release the liens described and that the City Manager be authorized and empowered to act in the name and on behalf of the City of Killeen in all lawful ways to execute and deliver all contracts, notes, deeds of trust, deeds, consents of sale, assignments, consent, notices, filings, certificates, acknowledgements, closing statements, affidavits, and other documents, and to do and perform every other act as he may deem necessary and appropriate to carry out the acceptance of the above-described properties in accordance with this resolution.

CA-14-101 Consider a memorandum/resolution authorizing Ground Transportation Authority to Clover Transport, Inc., DBA Home Town Airport Shuttle.

Staff comments: Traci Briggs

The company will operate two vehicles, both a 2014 Caravan Utility with each having a seating capacity of seven. Staff recommends granting a Ground Transportation Authority to Clover Transport.

Motion was made by Councilmember Clark to approve Consent Agenda items 096 through 101, as presented. Motion was seconded by Councilmember Okay. Motion carried unanimously.

Public Hearings / Ordinances

PH-14-045A HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designated area to a 'General Residential' designated area (FLUM#Z14-16) for 1.82 acres out of the Thomas Robinett Survey, Abstract No. 686. The property is located along the north right-of-way of W. Elms Road, between Clear Creek Road (S.H. 201) and Robinett Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR 1.82 ACRES OF LAND LOCATED ALONG THE NORTH RIGHT-OF-WAY OF W. ELMS ROAD, APPROXIMATELY 120 FEET EAST OF WINDFIELD DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The applicant has submitted a concurrent request to rezone the subject property from "B-5" (Business District) to "R-2" (Two-Family Residential District) for residential housing.

The Planning and Zoning Commission recommends approval (8 to 0 vote) of the amendment to the Future Land Use Map from 'General Commercial' to 'General Residential'. 'General Residential' is consistent with the existing land uses and duplexes are an ideal transitional use and buffer between the existing school and the existing single-family residential neighborhood.

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

Motion was made by Councilmember Gilmore to approve PH-045A. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

PH-14-045B HOLD a public hearing and consider an ordinance requested by Lagan Construction, Inc. (Case #Z14-16) to rezone approximately 1.82 acres out of the Thomas Robinett Survey, Abstract 686, from "B-5" (Business District) to "R-2" (Two-Family Residential District). The property is located along the north right-of-way of W. Elms Road, between Clear Creek Road (S.H. 201) and Robinett Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

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.

Staff comments: Tony McIlwain

The staff notified 10 surrounding property owners within a 200 foot notification boundary regarding this request. Staff received no responses.

The Planning and Zoning Commission unanimously recommended approval of the "R-2" zoning request.

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

Motion was made by Councilmember Rivera to approve PH-045B. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

PH-14-046A HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Estate' to 'Suburban Commercial' (FLUM# Z14-17) for approximately 1.738 acres located along the north right-of-way of Chaparral Road, approximately 3,200 feet east of East Trimmier Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'ESTATE' TO 'SUBURBAN COMMERCIAL' FOR 1.738 ACRES OF LAND LOCATED APPROXIMATELY 3,200 FEET EAST OF EAST TRIMIER ROAD, ALONG THE NORTH RIGHT-OF-WAY OF CHAPARRAL ROAD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The Planning and Zoning Commission recommended approval of amending the FLUM from 'Estate' to 'Suburban Commercial' by a vote of 8 to 0.

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

Motion was made by Councilmember Gilmore to approve PH-046A. Motion was seconded by Councilmember Clark. Motion carried unanimously.

PH-14-046B HOLD a public hearing and consider an ordinance requested by the Gary W. Purser Sr. 1999 Trust (Case #Z14-17) to rezone approximately 1.738 acres, being part of the W. E. Hall Survey, Abstract No. 1116, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is located

on the north right-of-way of Chaparral Road, approximately 3,200 feet east of East Trimmier Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

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.

Staff comments: Tony McIlwain

The staff notified two (2) surrounding property owners within a 200' notification boundary regarding this request, and no responses were received.

The Planning and Zoning Commission unanimously recommended approval of the applicant's request for a change of zoning from "R-1" to "B-3" for the subject site by a vote of 8 to 0.

Mayor Cosper opened the public hearing.

Gary Purser Jr., 6503 Wells Fargo – represented the property owner; spoke in favor of request. With no one else appearing the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-046B. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-14-047 HOLD a public hearing and consider an ordinance requested by Joseph Bannister (Case #Z14-18) to rezone Lot 1, Block 1, Courtney Addition, and approximately 12.131 acres, being part of the G. W. Farris Survey, Abstract No. 306, from "R-1" (Single-Family Residential District) and "B-4" (Business District) to "R-1" and "B-4" with a Conditional Use Permit (CUP). The property is located on the west right-of-way of Florence Road, approximately 1,535 feet south of E. Elms Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

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) AND B-4 (BUSINESS DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND B-4 (BUSINESS DISTRICT) WITH CONDITIONAL USE PERMIT (CUP) FOR RETAIL POINT OF SALE FOR CROPS PRODUCED ON SITE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The property owner, Joseph Bannister, is requesting a change of zoning from "R-1" and "B-4" to "R-1" and "B-4" with a Conditional Use Permit (CUP) to allow for a 'U-pick' crop point of sale for produce grown on the property.

The staff notified forty-five (45) surrounding property owners within a 200' notification boundary regarding this request and responses were received from Wayne and Cheryl Barrett, the owners of 4200, 4304 and 4500 Old Florence Road, Killeen, Texas.

The Planning and Zoning Commission unanimously recommended approval of the applicant's Conditional Use Permit for the 'U-pick' crop point of sale operation on the site, with the following conditions:

This CUP shall be valid for a period not to exceed three (3) years from the date of City Council approval.

There shall be no animal production, poultry or livestock allowed on the property as part of this CUP business operation.

The applicant shall adhere to a 25' 'no-grow'/buffer area along all adjacent R-1 zoned properties as part of this CUP.

Amendment to request: Councilmember Okray recommended the R-1 zoned area be rezoned Agriculture and the B-4 zoned area remain B-4. The point of sale will be on the B-4 zoned area.

Mayor Cosper opened the public hearing.

Joseph Bannister, 4311 Old Florence Rd, property owner – stated he is ok with the requested Agriculture zoning.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-047as amended above. Motion was seconded by Councilmember Harris. Motion carried unanimously.

PH-14-048 *TABLED PENDING FURTHER RESEARCH*

HOLD a public hearing and consider an ordinance requested by W.B.W. Land Investments, L.P. (Case #Z14-19) to rezone approximately 35.03 acres out of the William H. Cole Survey, Abstract No. 200, from “CD” (Cemetery District) and “UD” (University District) to “CD” with a Conditional Use Permit (CUP) and “UD” with a Conditional Use Permit (CUP). The property is located along the north right-of-way of Splawn Ranch Drive, approximately 250 feet east of S. Fort Hood Street (S.H. 195), Killeen, Texas.

Ordinances / Resolutions

OR-14-023 Consider an ordinance approving Arts Commission recommendations for disbursement of hotel/motel tax funds FY 2014-2015.

The City Secretary read the caption of the ordinance.

AN ORDINANCE PROVIDING FOR THE SPECIFIC DISBURSEMENT OF THE PROCEEDS OF THE MUNICIPAL HOTEL OCCUPANCY TAX REVENUES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Marti Simpson

Mr. Lutz, Chairman of Arts Commission, went over applicants and how much they requested.

Nine (9) applicants presented their applications to the Arts Commission regarding funding requests. The Arts Commission recommends funding for the nine (9) applications as described, totaling \$187,750. In addition, the Commission has recommended that the remaining \$20,000 be invested in promoting art events in downtown.

Councilmember Okray stated a concern regarding a number of discrepancies/mistakes on some of the applications and believes an auditor needs to look over the applications and applicants should have some assistance provided to them through the process.

Dr. Farris assured the Council that there is a process in place for the grants and that her staff is available to assist applicants.

Motion was made by Councilmember Rivera to approve OR-023. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Gilmore, and unanimously approved, the meeting was adjourned at 5:56 p.m.

Scott Cospers, Mayor

Dianna Barker, City Secretary