

City of Killeen
Regular City Council Meeting
Killeen City Hall
July 24, 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, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms Troy Fulgham

Rev. Dennis Feliciano gave the invocation, and Councilmember Okray led everyone in the pledge of allegiance.

Approval of Agenda

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

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of July 10, 2012.

CA-2 Consider a memorandum/resolution [12-038R] authorizing the City Manager to execute a lease agreement for office space at 218 East Avenue D.

This lease renewal is for a term of two years at a total cost of \$91,200.

CA-3 Consider a memorandum/resolution [12-039R] authorizing the award of RFP 12-10, Employee Assistance Program.

Five proposals were submitted to provide services for City employees, and staff's recommendation is for the current provider, Deer Oaks.

CA-4 Consider a memorandum/resolution [12-040R] for a recommendation to the Employee Benefit Trust to Award RFP 12-11 for Employee Dental Insurance Benefits.

Eight proposals were received, and after a thorough review, it is staff's recommendation to retain MetLife for dental insurance benefits.

CA-5 Consider a memorandum/resolution [12-041R] for a recommendation to the Employee Benefit Trust to Award RFP 12-07 for Group Employee Health Insurance Benefits.

Four proposals were received for health care benefits for employees. After a

thorough review, staff's recommendation is to stay with Blue Cross. There will be a reduction of cost of \$23.70 per employee.

- CA-6 Consider a memorandum/resolution [12-042R] awarding Bid No. 12-05- for one (1) thermoplastic applicator to be utilized by the street department.

The thermoplastic applicator will be used to do pavement markings throughout the city for a total cost of \$62,677.00.

- CA-7 Consider a memorandum/resolution [12-043R] authorizing the award of Sewer Line Rehabilitation Phase 1 Project through the State of Texas Buyboard.

This is the first phase of sewer line rehabilitation located in seven basins throughout the city for a total amount of \$1,820,772.40.

- CA-8 Consider a memorandum/resolution [12-044R] awarding Bid No. 12-16 for the 2011 Killeen streets asphalt overlay project.

This is a CDBG project. Two bids were received, and staff's recommendation is for the low bidder in the amount of \$131,671.15 to APAC – Texas.

- CA-9 Consider a memorandum/resolution [12-045R] approving Skylark Field Hangar Project.

\$303,669 is the City's portion for the construction of a new hangar at Skylark Field and represents the difference between the grant from TxDOT and constructions costs. TxDOT has requested the payment prior to bidding.

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

Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider a residential replat submitted by Nelson Perez and Elba Moyet Melendez (Case #12-020RS: Moyet Addition) being Lot 27, Block 2, Saegert Ranch, Phase One and 0.5 acre being part of the Azra Webb Survey, Abstract No 857. The property is locally known as 1507 Schottische Lane, Killeen, Texas.

This replat is to add one-half acre of land at the rear of the existing lot. The plat meets all development regulations, and 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.

Councilmember Okray moved to approve the plat, seconded by Councilmember Segarra. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider a plat submitted by Kemp, Inc. (Case #12-014RS: Sky Addition) being a replat of part of Lot 1A, Block 1, of the replat of part of Lot 1, Block 1, Lonesome Dove Subdivision Phase Two. The property is located on the north right-of-way of W. Stan Schlueter Loop (FM 3470), between Gus Drive and Jake Spoon Drive and is locally known as 3701 W. Stan Schlueter Loop, Killeen, Texas.

This replat is to allow for development for a free-standing ice vending machine. The plat meets all development regulations, and 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.

Councilmember Clark moved to approve the plat, seconded by Councilmember Blackstone. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider a plat submitted by Ebrahim Amirgholizadeh (Case #12-019RS: Chi Yang Subdivision Replat) being a replat of all of Lot 1, Block 1, Chi Yang Subdivision and 0.660 acre, being part of the S. P. P. R. Survey, Abstract 794, Killeen, Texas.

This property is located west of the intersection of SH 195 and Elms Road. The plat meets all development regulations, and 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.

Councilmember Okray moved to approve the plat, seconded by Councilmember Gilmore. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider an ordinance as requested by WBW Land Investments, L.P., (Case #Z12-12) to rezone approximately 3.091 acres, being part of the John E. Maddera Survey Abstract No. 600, from 'A' (Agricultural District) to R-1 (Single Family Residential District). The property is located approximately 900 feet east of Clear Creek Road (S. H. 201) and approximately 1,800 feet south of Tiffany Circle.

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) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE;

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

This area has been designated as suburban residential on the comprehensive plan, and the subject area is intended for single-family residential development. There was no response to the two letters of notification, and the Planning and Zoning Commission recommended approval of the request.

Mayor Corbin opened the public hearing. Garrett Nordyke, 3000 Illinois, appeared in support of this request and the item following. Mayor Corbin advised he would take note of that. With no one else appearing, the public hearing was closed.

Mayor Pro-Tem Lower moved to approve the ordinance [12-036], seconded by Councilmember Clark. The motion was approved 6-1 (Councilmember Okray in opposition).

PH-5 **HOLD** a public hearing and consider an ordinance as requested by WBW Land Investments, L.P., (Case #Z12-13) to rezone approximately 5.97 acres, being part of the T. Arnold Survey, Abstract No. 55, and the J. W. Morton Survey, Abstract No. 587, from 'A' (Agricultural District) to R-1 (Single Family Residential District). The property is located approximately 1,300 feet east of Clear Creek Road (S. H. 201) and approximately 3,013 feet south of Tiffany Circle.

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) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This request is submitted on three lots located south of the previous item, and the property is intended for single-family residential development. There was one letter of opposition returned in response to the four letters of notification, and the Planning and Zoning Commission recommended approval of the request.

Mayor Corbin opened the public hearing. Mayor Corbin noted the comments made by Mr. Nordyke on the previous matter. With no one else appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-037], seconded by Mayor Pro-Tem Lower. The motion was approved 6-1 (Councilmember Okray in opposition).

PH-6 **HOLD** a public hearing and consider an ordinance as requested by Killeen First Church of the Nazarene (Case#Z12-14) to rezone approximately 5 acres being part of the Azra Webb Survey, Abstract No. 857, from A-R1 (Agricultural Single Family Residential District) to R-1 (Single Family Residential District). The

property is located on the north right-of-way of Stagecoach Road and is locally known as 951 Stagecoach 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-R1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-1 (SINGLE 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 allow for development of a church. There was no response to the eight 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 Segarra moved to approve the ordinance [12-038], seconded by Councilmember Gilmore. The motion was approved unanimously.

PH-7 A. **HOLD** a public hearing and consider a request by Miguel Rivera to revise the Comprehensive Plan's future land use map (FLUM) to change a 0.473 acre area currently designated as 'Suburban Commercial' to 'General Commercial'. The property is located west of the t-intersection of Stagecoach Road and Wagon Wheel Drive, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN COMMERCIAL' TO 'GENERAL COMMERCIAL' FOR THE WESTERN .473 ACRE OF LOT 9, BLOCK 1, STAGECOACH ROAD SUBDIVISION, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

A review of the comprehensive plan indicated no instances of general commercial business along this portion of Stagecoach Road. At the Planning and Zoning Commission meeting, the recommendation was to deny the application to change the comprehensive plan. The applicant's intended use of the property could be accomplished with a B-3 and would require no change to the plan.

Mayor Corbin opened the public hearing. Miguel Rivera, 708 Rim Drive, advised that he was willing to accept the B-3 zoning. With no one else appearing, the public hearing was closed.

Councilmember Blackstone moved to disapprove the ordinance, seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

B. **HOLD** a public hearing and consider an ordinance as requested by Miguel Rivera (Case #Z12-15) to rezone a .473 acre portion of Lot 9, Block 1, Stagecoach Road Subdivision, from 'A' (Agricultural District) to B-4 (Business District). The property is located west of the t-intersection of Stagecoach Road and Wagon Wheel 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 'A' (AGRICULTURAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

As noted previously, the applicant has agreed to accept a B-3 zoning, and the Planning and Zoning Commission recommended approval of B-3 zoning.

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

Mayor Pro-Tem Lower moved to approve the ordinance [12-039] with B-3 zoning, seconded by Councilmember Segarra. The motion was approved unanimously.

PH-8 **HOLD** a public hearing and consider an ordinance as requested by Gerhardus J. Bouwer (Case #Z12-16) to rezone Lot 1, Block 1, Broke S Addition, from B-5 (Business District) with SUP (Special Use Permit) to B-5 (Business District) with CUP (Conditional Use Permit) for CJ's Towing. The property is located at 3904 W. Stan Schlueter Loop (FM 3470), 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 SUP (SPECIAL USE PERMIT) TO B-5 WITH CUP (CONDITIONAL USE PERMIT) FOR AN IMPOUND YARD; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

CJ's Towing has a Special Use Permit since 2007 which is now expiring, and has now applied for a Conditional Use Permit to allow continued use of the property for an impound yard. There was no response to the five letters of notification, and the Planning and Zoning Commission recommended approval of the CUP for a period of five years.

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

Councilmember Okray moved to approve the ordinance [12-040], seconded by Councilmember Gilmore. The motion was approved unanimously.

PH-9 **HOLD** a public hearing and consider an ordinance as requested by W. B. Whitis Investments, Ltd. (Case #Z12-17) to rezone part of Lot 1, Block 1, 16 Acre Addition, Phase One and 1.56 acres being part of the W. H. Cole Survey, Abstract No. 150, from B-5 (Business District) and R-3 (Multifamily Residential District) to B-5 (Business District). The property is located at the southwest intersection of Cunningham Road and E. Central Expressway, 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) AND R-3 (MULTIFAMILY RESIDENTIAL DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This property has split zoning, and the request is to combine into one zoning classification. There was no response to the five letters of notification, and the Planning and Zoning Commission recommended approval of the request.

Mayor Corbin opened the public hearing. Bob Mitchell, 102 North College, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-041], seconded by Councilmember Blackstone. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider an amendment to the Subdivisions and Other Developments Ordinance, Chapter 26 City Code, to Incorporate an Infrastructure Design and Development Standards Manual.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 26 TO INCORPORATE AN INFRASTRUCTURE DESIGN AND DEVELOPMENT STANDARDS MANUAL; AMENDING VARIOUS SECTIONS OF CHAPTER 26 AS A HOUSEKEEPING MATTER TO ENSURE CONSISTENCY WITH NEW PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

As part of the City's MS4 permit, it must adopt an infrastructure design and development standards manual. It will apply to any construction that will be offered to the City and then maintained by the City. Staff recommends adopting the table of contents but omitting Section 500 – Transportation Specifications, and 900.2 – Transportation. Those two items need to go back to the stakeholders for additional work. The manual must be submitted to the TCEQ by August 12; however, sections 500 and 900.2 are not required to be included.

Councilmember Clark moved to approve the ordinance [12-042] excluding Sections 500 and 900.2, seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

OR-2 Consider an amendment to the Municipal Drainage Utility System Ordinance, Chapter 32 City Code, Adopting Post Construction Storm Water Control Ordinance.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM, BY ADOPTING AN ARTICLE ENTITLED POST CONSTRUCTION STORM WATER CONTROL ORDINANCE; AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-150 "FEES" TO RECOVER ADDITIONAL ADMINISTRATIVE COSTS; AMENDING CHAPTERS 26 AND 32 OF THE CODE OF ORDINANCES FOR CONSISTENCY AND AS A HOUSEKEEPING MEASURE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The City must adopt a post construction ordinance to mitigate surface runoff and introduction of potential pollutants into the MS4. The ordinance provides six minimum control measures The City adopted the original storm water plan in 2007 and was approved by TCEQ. The post construction ordinance must be filed by August 12, 2012. The stakeholders have met and reviewed the ordinance, and it is based upon the EPA model. Required BMPs (Best Management Practices) are site layout compliance, creek buffer zone, and water quality standards. Additional BMP are identified in the ordinance as well as the number of credits required for construction. The BMP could either be maintained by the developer perpetually or dedicated to the City for it to maintain. The BMP could also be transferred to a homeowner's association. If the BMP is intended to be dedicated to the City, it must meet City standards. During the platting process, drainage will be reviewed to see what requirements will be needed. The post construction ordinance will identify what the City requires.

Steve Sheperd, McLean Construction, wanted assurance that if construction was made to the standards it would be accepted by the City, and he did not see that in the ordinance.

Mayor Corbin called a seven-minute recess at this time.

Following the recess, Bruce Whitis, 3000 Illinois, asked if this applied to any development, and would it apply if the parcel being developed was part of a larger tract?

Scott Brooks, 3000 Illinois, believed the ordinance had been rushed through too quickly and did not give the stakeholders adequate time to review all the changes. Other revisions were made without stakeholders' review. He believed this ordinance went far beyond what the EPA required.

Mayor Corbin cautioned about a hasty decision, and he suggested a special Council meeting prior to August 12. Director of Environmental Services Kristina Ramirez advised the ordinance could always be amended, and the ordinance was modeled on that adopted by Temple and Arlington. She emphasized that this ordinance was presented to the stakeholders on June 26, and no comments had been received.

Mayor Pro-Tem Lower moved to table this item for a special meeting prior to August 12 to allow for more discussion, seconded by Councilmember Gilmore. The motion was approved 5-2 (Councilmembers Clark and Okray in opposition).

OR-3 Consider an ordinance approving Arts Commission recommendations for disbursement of hotel/motel tax funds for Fiscal Year 2012-13.

The caption of the ordinance was read as follows:

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.

Dr. Ann Farris, Chair of the Arts Commission, presented the Commission's recommendations for funding for 2012-13. Mayor Corbin asked how many Commission members also served on the boards of the groups recommended for funding. Six of the groups do not have a member on the board. Councilmember Blackstone advised she had been a member of the Commission until her election to the Council. She said all the members acted fairly and deliberated carefully in considering all requests.

Mayor Pro-Tem Lower moved to approve the ordinance [12-043], seconded by Councilmember Segarra. The motion was approved unanimously.

OR-4 Consider an ordinance to amend the number of authorized and over hire fire rescue officer civil service positions as a result of an officers end of military deployment.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS TO AUTHORIZE THE NUMBER OF FIRE DEPARTMENT CIVIL SERVICE EMPLOYEES TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING

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

Civil Service allows for the hiring of a replacement officer position during a period of active duty, and the position is held vacant for up to five years. Fire Rescue Officer Justin Marr was deployed on active duty on November 7, 2007, and the period for Officer Marr expired on July 16, 2011. Staff recommends decreasing the number of authorized Fire Rescue Officer positions to 154.

Mayor Pro-Tem Lower moved to approve the ordinance [12-044], seconded by Councilmember Okray. The motion was approved unanimously.

OR-5 Consider an ordinance to amend the number of authorized and over hire fire rescue officer civil service positions as a result of an officers military deployment.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS TO AUTHORIZE THE NUMBER OF FIRE DEPARTMENT CIVIL SERVICE EMPLOYEES TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Officer Robert Williams has been called to active duty on July 9, 2012, and this ordinance will authorize one additional Fire Rescue Officer, bringing the authorized total to 155.

Councilmember Okray moved to approve the ordinance [12-045], seconded by Councilmember Clark. The motion was approved unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Clark, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 7:21 p.m.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary