

City of Killeen
Regular City Council Meeting
Killeen City Hall
August 28, 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, and City Secretary Paula Miller

Rev. David McMinn gave the invocation, and Councilmember Clark led everyone in the pledge of allegiance.

Approval of Agenda

Mayor Pro-Tem Lower moved to approve the agenda as written with the deletion of CA-4, CA-5, CA-6, and PH-3, seconded by Councilmember Okray. The motion was unanimously approved.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of August 14, 2012.

CA-2 Consider a memorandum/resolution [12-053R] approving a concession lease agreement renewal at Killeen-Fort Hood Regional Airport.

This is a renewal of a lease with Lo&H Ventures and provides for an increase in the base rent by approximately 3.9%.

CA-3 Consider a memorandum/resolution [12-054R] approving a professional services contract for design and installation oversight of a security system upgrade project at Killeen-Fort Hood Regional Airport.

This is a professional services agreement with Jacobs Engineering for work associated with design and installation oversight of the security system upgrade.

CA-7 Consider a memorandum/resolution [12-055R] approving the investment report for quarter ending June 30, 2012.

Total investment earnings for the quarter ended June 30, 2012, was \$153,812 for an average return of 0.38%.

CA-8 Consider a memorandum/resolution [12-056R] approving the revised investment policy.

The investment policy has been revised in accordance with legislative changes.

CA-9 Consider a memorandum/resolution [12-057R] selecting the City's authorized securities broker/dealers.

This resolution approves the investment firms used by the City.

CA-10 Consider a memorandum/resolution [12-058R] for procurement of one (1) Skid Steer through the TASB Buy Board State Cooperative for the Solid Waste Transfer Station.

Staff has recommended lease of the skid steer, rather than purchase, due to funding.

CA-11 Consider a memorandum/resolution [12-059R] authorizing the appointment of an independent auditor for the fiscal year ended September 30, 2012.

Staff recommends Weaver be hired to perform the City's annual audit at a cost of \$92,250. Jerry Gaither advised that although the engagement letter provides for a two-year contract, the company's performance will be reviewed and evaluated prior to renewal of the contract. City Attorney Davis advised that the resolution provides for a one-year term only.

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

CA-4 Consider a memorandum/resolution accepting an FAA Grant Offer – Killeen-Fort Hood Regional Airport.

CA-5 Consider a memorandum/resolution approving a professional services contract for construction management associated with the Terminal Expansion project at Killeen-Fort Hood Regional Airport.

CA-6 Consider a memorandum/resolution approving Bid Recommendation – Bid No. 12-13 Terminal Building Expansion at Killeen-Fort Hood Regional Airport.

These items were deleted from the agenda.

Public Hearings / Ordinances

PH-1 A. **HOLD** a public hearing and consider changes to the FY 2012-13 proposed Annual Budget and Plan of Municipal Services.

City Manager Morrison noted four additions to the budget had been advertised: sixteen police officers starting in June at a cost of \$482,480; Fire Department training of \$35,000; 2% COLA for one-half year at a General Fund cost of \$457,719; and \$140,000 to the Boys and Girls Club.

Mayor Corbin opened the public hearing.

Woodrow Hall, 1314 Brock; David McClure, PO Box 1800; Evangela Gates, 3308 Timber Oak; and Sgt. Downs, Blackberry Drive, all spoke on behalf of the Boys and Girls Club and the benefit the organization provided to the youth of the community.

Kenny Wells, 2115 Lakeview Loop, encouraged the City Council to maintain the General Fund reserve balance at twenty-five percent/

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

Mayor Corbin asked the City Council to come to a consensus on the items to be added to the preliminary budget. The Council expressed a desire to maintain the General Fund balance at twenty-five percent. The preliminary tax rate was set at .7505, while the current tax rate is .7428.

The number of additional police officers was first discussed, and a majority (four) of the Council could agree that twelve officers should be authorized for a June academy, at a cost of \$361,860. The Council all agreed to add the Fire Department training of \$35,000. A two percent COLA at mid-year was agreed upon. If the tax rate is set at .7505, these changes would result in a General Fund balance of 25.07%.

The request of the Boys and Girls Club was then discussed. Everyone agreed that the program was worthwhile; however, the City cannot make charitable contributions. If the Council decided to grant the request, a public purpose needed to be identified. The Council could not agree on an amount, and that request was not included. The City Council can always review the budget at any time during the year and make adjustments as it deems necessary.

B. **HOLD** a public hearing on the FY 2012-13 proposed Annual Budget and Plan of Municipal Services.

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

PH-2 **HOLD** a public hearing and consider amendments to Chapter 31, Division 4, Signs and Outside Advertising Displays.

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, MODIFYING AND SUPPLEMENTING ARTICLE V, DIVISION 4, SIGNS AND OUTDOOR ADVERTISING DISPLAYS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Building Official Earl Abbott reviewed the sign ordinance changes, and Mayor Corbin suggested the Council vote on each additional section.

Section 31-503(14), Flags, has been revised to remove the minimum two-inch size pole. The City Council unanimously agreed with this change.

Section 31-503(13), Pole-mounted Banner Signs: increase size from twelve to sixteen square feet along collector, marginal, and local streets and up to forty-eight square feet along principal and minor arterial streets; allowed without permit and must be mounted to existing permanent poles two inches or larger and spaced fifty feet apart, and framed on two sides. The Council unanimously agreed to these changes.

Section 31-504(4), Temporary Signs, creates more flexibility providing for a five-day minimum up to 120 days per calendar year; lowers the base fee from \$25 to \$5 per time period; allows additional temporary sign permits to be issued for the time period for lots having multiple frontages and for lots having frontages longer than 150 feet per street frontage and to obtain additional sign permits for each additional 150 feet or fraction thereof; doubles the maximum size of a sign from thirty-two to sixty-four square feet; and removes the requirement to place the temporary sign on the building or existing sign structure. Councilmember Clark wanted the restriction of 150 feet between signs removed, and the Council agreed. The Council agreed with the entire section as amended.

Section 31-524, Appeals: establishes an appeal from the Building Official to the City Manager or his designee, followed by an appeal to the Zoning Board of Appeals or a variance for undue hardship. The Council unanimously agreed with these provisions.

Section 31-507, Ground Signs: increases the allowable height of multi-tenant ground signs from thirty-five to forty feet and increases the allowable height of pole signs along Central Texas Expressway from thirty-five to forty-two and one-half feet. The Council unanimously agreed with these changes.

Mayor Corbin opened the public hearing. Ronnie Skinner, 5221 Onion Road, said the sign ordinance still makes it more difficult on businesses, but it is an improvement. With no one else appearing, the public hearing was closed.

Mayor Pro-Tem Lower moved to approve the ordinance [12-050] with the change recommended by Councilmember Clark, seconded by Councilmember Clark. The motion was approved unanimously.

Mayor Corbin and City Manager Morrison left the meeting at this time. Mayor Pro-Tem Lower assumed the chair of the meeting.

PH-3 **HOLD** a public hearing and consider an ordinance amending the FY 2011-12 Annual Budget and Plan of Municipal Services of the City of Killeen FAA Airport Improvement Program Federal Grant and increasing expenditures to fund projects associated with the receipt of the FAA Grant.

This item was deleted from the agenda.

PH-4 **HOLD** a public hearing and consider an ordinance amending the FY 2011-12 Annual Budget and Plan of Municipal Services of the City of Killeen Fire Department General Fund Budget by increasing revenues supporting receipt of a Fireman's Fund Heritage Grant and increasing expenditures to fund Personal Protective Equipment (PPE).

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2011-2012 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING GENERAL FUND ACCOUNT 010-0000-382.45-32 FIRE DEPARTMENT GRANT IN THE AMOUNT OF \$8,301 AND GENERAL FUND ACCOUNT 010-7070-442.41-20 UNIFORMS & CLOTHING IN THE AMOUNT OF \$8,301; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

The Fire Department has received a grant from the Fireman's Fund Heritage Grant program for protective equipment to be used while fighting grass and brush fires.

Mayor Pro-Tem Lower opened the public hearing. With no one appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-051], seconded by Councilmember Segarra. The motion was approved 6-0.

PH-5 **HOLD** a public hearing and consider an ordinance as requested by RSBP Developers, Inc. (Case#Z12-19) to rezone Lots 2 and 3, Block 1, Purser Crossing, Phase Four from B-3 (Local Business District) to R-2 (Two-Family Residential District). The property is locally known as 5407 and 5409 Developer 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-3 (LOCAL 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 for two lots that face a residential subdivision. There was no response to the two letters of notification, and the Planning and Zoning Commission recommended approval of the request.

Mayor Pro-Tem Lower opened the public hearing. With no one appearing, the public hearing was closed.

Councilmember Segarra moved to approve the ordinance [12-052], seconded by Councilmember Blackstone. The motion was approved 6-0.

PH-6 **HOLD** a public hearing and consider an ordinance as requested by Suk Baldwin (Case#Z12-21) to rezone Lot 2A, Block 1, Gentle Grove Replat, from B-3 (Local Business District) to R-2 (Two-Family Residential District). The property is locally known as 3208 Baldwin 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 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 on a lot at the corner of a residential two-family subdivision. There was no response to the thirteen letters of notification, and the Planning and Zoning Commission recommended approval of the request.

Mayor Pro-Tem Lower opened the public hearing. With no appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-053], seconded by Councilmember Okay. The motion was approved 6-0.

PH-7 **HOLD** a public hearing and consider an ordinance as requested by Suk Baldwin (Case#Z12-22) to rezone Lots 25 - 27, Block 1, Gentle Grove Addition from B-5 (Business District) to R-2 (Two-Family Residential District). The properties are locally known as 3011, 3100 and 3102 Baldwin 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) 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 for three lots to make the lots compatible with the surrounding lots. The request is consistent with the Comprehensive Plan, and the Planning and Zoning Commission recommended approval of the request.

Mayor Pro-Tem Lower opened the public hearing. With no one appearing, the public hearing was closed.

Councilmember Blackstone moved to approve the ordinance [12-054], seconded by Councilmember Okray. The motion was approved 6-0.

PH-8 **HOLD** a public hearing and consider an ordinance as requested by Jungsoon Choimoon (Case#Z12-23) to rezone part of Lot 1, Block 1, Yo Choi Addition from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) for on premises sale and consumption of alcohol. The property is locally known as 806 Atlas Avenue, Suites 104 and 105, 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 to allow the sale of alcohol in connection with a restaurant. There was one letter of opposition returned in response to the seventeen letters of notification. The opposition was that the individual thought it was too close to a school; however, the restaurant is not within 300 feet of a church, public or private school, or public or private hospital. The Planning and Zoning Commission recommended approval of the request limited to Suites 104 and 105.

Mayor Pro-Tem Lower opened the public hearing. Philip Marley, 263 Buggy Lane, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-055], seconded by Councilmember Segarra. The motion was approved 6-0.

PH-9 **HOLD** a public hearing and consider an ordinance as requested by Chiun Chi (Case#Z12-24) to rezone part of Lot 8, Block 14, Original Town of Killeen from HOD (Historic Overlay District) to HOD (Historic Overlay District) with CUP (Conditional Use Permit) for on-premises sale and consumption of alcohol. The applicant intends to open a wine bar. The property is locally known as 220 E. Avenue D, 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 HOD (HISTORIC OVERLAY DISTRICT) TO HOD WITH CUP (CONDITIONAL USE PERMIT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is to allow a Conditional Use Permit to allow for the use of the property as a wine bar. The CUP is required since the property is in the Historic Overlay District downtown. The Planning and Zoning Commission recommended approval, limiting it to the footprint of the building and the rear patio. The CUP is a permanent zoning for the property; however, it can be rescinded for any violation of the terms of the CUP.

Mayor Pro-Tem Lower opened the public hearing.

Chiun Chi, 220 E. Avenue D, and Ann Poppy, 224 E. Avenue D, appeared in support of the application. With no one else appearing, the public hearing was closed.

Councilmember Blackstone moved to approve the ordinance [12-056], seconded by Councilmember Clark. The motion was approved 6-0.

PH-10 **HOLD** a public hearing and consider an ordinance as requested by William R. and Robbie A. Dunivan (Case #Z12-25) to rezone approximately 16.305 acres part of the M.T. Martin Survey Abstract No. 693 and the Wm Freer Survey Abstract No. 517 from UD (University District) to UD (University District) with a CUP (Conditional Use Permit) for R-2 (Two-family Residential District) and RT-1 (Residential Townhouse Single Family District). The property is located on the north side of Reese Creek Road, west of State Highway 195 the property is locally known as 409 Reese Creek 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 UD (UNIVERSITY DISTRICT) TO UD WITH CUP (CONDITIONAL USE PERMIT) ALLOWING FOR TWO FAMILY RESIDENTIAL USE AND RESIDENTIAL TOWNHOUSE SINGLE FAMILY USE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request for a Conditional Use Permit in the University District is to allow for duplex and townhouse development. There was one letter in opposition returned in response to the twelve letters of notification. The opposition was based upon the fact that a previous City Council considered and denied the rezoning. The prior request was submitted more than one year

ago. The townhouses have parking accessed from the rear, and that is the reason for the alley for those units only.

Mayor Pro-Tem Lower opened the public hearing. Scott Vernon, 4506 E. Stagecoach, appeared in support of the request. He advised that he has discussed the proposal with the university which now supports the proposal. With no one else appearing, the public hearing was closed.

Councilmember Gilmore moved to approve the ordinance [12-057], seconded by Councilmember Clark. The motion was approved 6-0.

PH-11 **HOLD** a public hearing and consider a request by Kim Hout Pheng (Case#Z12-26) to rezone Lot 1, Block 3, Heather Glen, Section 1 from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) for on premises sale and consumption of alcohol. The property is known as the *Mexico Lindo Restaurant* at 4106 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 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 to allow for the sale of beer, wine, and alcohol in connection with a restaurant. There was one letter of opposition returned in response to the seventeen notification letters. The one protest was based upon the disagreement regarding the sale of alcohol. The location is not within 300 feet of any church, public or private school, or public or private hospital. The Planning and Zoning Commission recommended approval of the request.

Mayor Pro-Tem Lower opened the public hearing. With no one appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-058], seconded by Councilmember Okray. The motion was approved 6-0.

Adjournment

With no further business, upon motion being made by Councilmember Gilmore, seconded by Councilmember Segarra, and unanimously approved, the meeting was adjourned at 7:01 p.m.

Daniel A. Corbin, Mayor

Michael Lower, Mayor Pro-Tem

Paula Miller, City Secretary