

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
May 28, 2013  
5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Councilmembers, Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms Roscoe Parr

Rev. Jimmy Towers gave the invocation, and Councilmember Foster led everyone in the pledge of allegiance.

**Approval of Agenda**

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

**Presentations**

PR-1 External Services/Community Services – Summer Program

CDBG Director Leslie Hinkle, Library Director Deanna Frazee, KCCC Director Connie Kuehl, Golf Course Director Brad Baine, and Parks and Recreation Director Brett Williams updated the Council on activities planned for the upcoming summer season.

**Consent Agenda**

CA-1 Consider minutes of Regular City Council Meeting of May 14, 2013.

CA-2 Consider a memorandum/resolution [13-053R] authorizing a management agreement between the City of Killeen and Jester's for the Killeen Civic and Conference Center.

The City holds a mixed beverage license from the Texas Alcoholic Beverage Commission, and it entered into an agreement with Jester's for management of alcohol sales. This renewal is for a period of three years.

CA-3 Consider a memorandum/resolution [13-054R] establishing a partnership to facilitate a used cooking oil collection program by entering into a Memorandum of Understanding between the City of Killeen and Central Texas College (Enactus).

In order to combat fat, oil, and grease accumulation in the wastewater system, the City has been working with the Central Texas College's chapter of Enactus to establish a used cooking oil recycling program. Enactus will provide education and supply marketing

supplies to the community, and the City will provide a location at the Recycling Center for collection of the oil.

CA-5 Consider a memorandum/resolution [13-055R] for a mutual aid agreement with the Department of the Army for Fort Hood, Texas for emergency medical services with Carl R. Darnall Medical Center.

The City has had an agreement with Fort Hood since 2007; however, this agreement is specific to the EMS Department.

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

Citing a conflict of interest, Councilmember Clark stepped down from the dais.

CA-4 Consider a memorandum/resolution authorizing the award of a professional services agreement with the Wallace Group to design the Septic Tank Elimination Program (STEP) Phase VIII Project.

Staff recommends awarding an agreement to the Wallace Group for Phase VIII of the Septic Tank Elimination Program in the amount of \$74,070.00.

Mayor Pro-Tem Blackstone moved to approve the resolution {13-056R}, seconded by Councilmember Okray. The motion was approved 6-0.

Councilmember Clark returned to Council deliberations.

### **Public Hearings / Ordinances**

PH-1 **HOLD** a public hearing and consider an ordinance amending the FY 2012-13 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the revenue and expenditure line items in the hotel occupancy tax fund to authorize expenditures related to downtown historic district markers.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN AMENDING THE FY 2012-13 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE HOTEL OCCUPANCY TAX FUND EXPENDITURE ACCOUNT (214-0000-531.55-58) AND THE TEXAS HISTORICAL COMMISSION GRANT REVENUE ACCOUNT (214-0000-382.65-15) BY \$2,338 EACH; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

The City has received \$2,338.37 in redirected funds from the Texas Historical Commission, which funds derived from an over-match of local cash. The funds will be used for an historical marker in the downtown area.

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

Mayor Pro-Tem Blackstone moved to approve the ordinance [13-040], seconded by Councilmember Clark. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance amending the FY 2012-13 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the General Fund Budget by \$13,159 in the parks division playscape capital outlay expenditure account.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND BUDGET BY \$13,159 IN ACCOUNT NUMBER 010-3025-425-61-37; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

This budget amendment is to provide funds for playground equipment at the Green Avenue Park and Farmers Market. CDBG awarded \$21,841 for this purpose, and the addition of \$13,159 in TML insurance funds will provide the funding for the playscape.

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

Councilmember Foster moved to approve the ordinance [13-041], seconded by Councilmember Segarra. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider a request for an ordinance by Yong K. and Hyo S. Chang (Case #Z13-11) to rezone approximately 0.5 acres, being part of the Thomas Robinett Survey, Abstract Number 686, from R-1 (Single-Family Residential District) to B-4 (Business District) for a mechanic shop and approximately 3.987 acres from 'A' (Agricultural District) to B-3 (Local Business District). The property is locally known as 3502, 3602 and 3702 Watercrest Road, Killeen, Texas (Requires  $\frac{3}{4}$  majority vote for approval).

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-4 (BUSINESS DISTRICT) AND A (AGRICULTURAL) TO B-3 (LOCAL

BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This property is located south of Fire Station #8 on East Trimmier Road. It was annexed in 1999 and zoned agriculture and R-1. There is a metal building on site. The applicant seeks to rezone the one-half acre for an auto repair shop, and the remainder of the tract B-3. There were thirteen letters of protest in response to the fifty-six letters of notification, and that represents twenty percent of the surrounding area, requiring a  $\frac{3}{4}$  majority vote for approval.

Mayor Corbin opened the public hearing.

Linda Martin, 210 Pin Oak, Harker Heights, appeared in support of the application. She advised the metal building has been used for auto repairs without any complaints from the surrounding neighbors.

Jose Pagan, 3907 Fieldcrest, advised nothing will be stored outside of the metal building, and all repairs will be inside the building.

Esther Chang, Wheeler Avenue, spoke in favor of the request, and she said the business will not generate a lot of traffic.

Andrea Frediani, 3508 Viewcrest, appeared in opposition. She said there is nothing to screen the B-3 area from her property. There will be additional noise, and she advised there have been ten to twenty vehicles on the property at various times, as well as a boat.

James Bittle, 3600 Viewcrest, appeared in opposition. He said their community is a quiet one, and there are better locations for an auto repair business. He asked this request be denied.

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

Councilmember Okray moved to disapprove the request, believing the requested zoning would be inconsistent with surrounding areas, seconded by Councilmember Clark. The motion was approved 6-1 (Councilmember Foster in opposition).

PH-4 **HOLD** a public hearing and consider a request for an ordinance by Juanita L. Faucett & Troy M. Faucett Family Trust (Case #Z13-13) to rezone approximately 2.102 acres part of the W. H. Cole Survey, Abstract No. 201 from R-1 (Single-Family Residential District) to B-3 (Local Business District) for a bank. The property is located on the east right-of-way of S. W.S. Young Drive, approximately 769' north of Elms 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 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 submitted to allow for the location of a bank. There was one letter of support 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. With no one appearing, the public hearing was closed.

Councilmember Gilmore moved to approve the ordinance [13-042], seconded by Mayor Pro-Tem Blackstone. The motion was approved unanimously.

PH-5 **HOLD** a public hearing and consider a request for an ordinance by Clem & Frankie McClurkan (Case #Z13-14) to rezone approximately 8.167 acres part of the James D. Allcorn Survey, Abstract No. 25 from AR-1 (Agricultural Single-Family Residential District) to SR-1 (Suburban Residential Single-Family Residential District) for single family use. The property is located south of Fire Station #8 on East Trimmier Road across from the Spanish Oaks subdivision, Killeen, Texas (requires  $\frac{3}{4}$  majority vote for approval).

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

This rezoning request is submitted on property located on the west right-of-way of East Trimmier Road south of Fire Station #8. The property is identified as Suburban Residential on the Comprehensive Plan. There were two letters of protest returned in response to the seven letters of notification, and the protest represents 29% of the area; thus, a  $\frac{3}{4}$  majority vote will be required for approval.

Mayor Corbin opened the public hearing.

Michael Lackmeyer, 9301 Troll Hollow, appeared in support of the request. He has a contract to purchase this tract of land, subject to rezoning to allow for SR-1 development. There is B-3 zoning along the frontage, and that area will be rezoned at a later date if this request is approved. He intends to have a total of nineteen lots on the tract, or 2.4 lots per acre. The lots will be individually designed to allow for the preservation of as many oak trees as possible.

Lovie Carroll, 7432 E. Trimmier, appeared in support. She advised she offered additional land to the two neighbors who have protested, but both of them declined.

Gail Seaman, 2006 South Main, Georgetown, also appeared in support. She would prefer homes like Mr. Lackmeyer is proposing more than those in Spanish Oaks to the south.

Mark McClurkan, 7432 E. Trimmier, advised the original tract had been purchased in 1999-2000, and two other tracts have previously been sold.

Donald Smith, 7388 E. Trimmier, appeared in opposition. His residence is thirty feet from the property line, and he does not want to have up to twenty homes backing up to his property. He asked the Council to deny this request and allow the area to retain its rural environment.

Doug Blackwell, 7354 E. Trimmier, also appeared in opposition. He said the area currently has a rural feel, and this type of development would negatively impact on the character of the community.

Councilmember Clark advised he could not vote against this request since the developer was bringing forth a proposal that the Council has been requesting.

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

Councilmember Okray moved to disapprove the request as the rezoning would have an adverse impact on neighboring lands, seconded by Councilmember Segarra. The motion was disapproved 3-4 (Mayor Pro-Tem Blackstone and Councilmembers Clark, Foster, and Gilmore in opposition).

The difference between the SR-1 and SR-2 is that SR-2 required a 15,000-foot lot minimum compared to 8,400 foot required in SR-1. Councilmember Clark moved to approve the request, seconded by Councilmember Gilmore. The motion was approved 4-3 (Councilmembers Harris, Okray, and Segarra in opposition); however, the request required a  $\frac{3}{4}$  majority vote to approve. The request was denied.

PH-6 **HOLD** a public hearing and consider a request for an ordinance by Mind Spring, LLC (Case #Z13-15) to rezone part of Lot 3 and 4, Block 15, Killeen Original Town from HOD (Historic Overlay District) to HOD (Historic Overlay District) with CUP (Conditional Use Permit) for on premises sale and consumption of alcohol. The property is locally known as 310 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' (HISTORIC OVERLAY DISTRICT) WITH A 'CUP' (CONDITIONAL USE PERMIT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted on a vacant building to allow for use as a bar. There were two letters of protest returned in response to the twenty-two letters of notification. The downtown

plan has called for an entertainment zone in this area, and the Planning and Zoning Commission recommended approval of the request.

Mayor Corbin opened the public hearing. Steve Cockrell, 308 E. Avenue D, appeared in support of his request. With no one else appearing, the public hearing was closed.

Councilmember Okray moved to approve the ordinance [13-043], seconded by Councilmember Segarra. The motion was approved unanimously.

PH-7 **HOLD** a public hearing and consider a request for an ordinance by Jessie M. Kern Estate, Clayton Winkler Executor (Case #Z13-17) to rezone approximately 2.638 acres, being part of Thomas Robinett Survey, Abstract No. 686 from R-1 (Single-Family Residential District) to B-3 (Local Business District) for retail commercial use. The property is located on the south right-of-way of Watercrest Road and is locally known as 4102 Watercrest 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 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 submitted on property designated for development for a Dollar General store. 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.

Bob Gage, GBT realty, appeared in support of the request. The building will be located as close to Robinett as possible. The row of trees along the south property line will be retained, and a six-foot privacy fence will screen the residence from the business.

Andrea Frediani, 3508 Viewcrest, asked that a traffic study be performed prior to the opening of the business.

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

Councilmember Harris moved to approve the ordinance [13-044], seconded by Councilmember Segarra. The motion was approved unanimously.

**Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone, and unanimously approved, the meeting was adjourned at 6:57 p.m.

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Daniel A. Corbin, Mayor

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Paula Miller, City Secretary