

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 12, 2013
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. Edmond Jones 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 February 26, 2013.

CA-2 Consider a memorandum/resolution [13-019R] awarding Bid No. 13-11 annual supply of water and sewer supply items.

The bids were opened January 23, and staff recommends awarding the bid for items as listed in the resolution.

CA-3 Consider a memorandum/resolution [13-020R] awarding Bid No. 13-02 annual supply of top soil, thermoplastic, and Polyflex III, materials used for maintenance of streets and pavement markings.

The bids for the annual supply of materials was opened December 19, and staff recommends awarding the bids as listed in the resolution.

CA-4 Consider a memorandum/resolution [13-021R] authorizing award of contract to modify transfer station loading tunnel No. 1.

Staff recommends awarding the contract to LMC Corporation in the amount of \$63,601.52.

CA-5 Consider a memorandum/resolution [13-022R] authorizing change order No. 2 to the Stagecoach Road reconstruction phase I project contract with Gary W. Purser Construction, LTD.

This change order is a reduction in the amount of \$257,227.80, resulting from a width

reduction of a sixteen-foot turn lane to a twelve-foot turn lane.

CA-6 Consider a city/owner agreement in principal to construct Jack Barnes Avenue/Great Divide Road/Cottonpatch Drive as minor collector streets and to extend a 12-inch diameter gravity sanitary sewer interceptor as part of the Bunny Trail Estates, Phase One subdivision.

The roadway and sewer main have been completed by the developer and is now asking the City to fund \$776,444.42 for the street widening and drainage improvements and \$19,100 for the increased size of sewer main. Funds are available in the 2009 General Obligation bond fund for the streets and drainage and 2007 Water and Wastewater bond funds for the sewer. Councilmember Okray asked for separate consideration of this item.

CA-7 Consider a memorandum/resolution [13-023R] authorizing the closure of certain streets and/or lanes of streets in the city limits of Killeen April 21, 2013 for the Army Marathon.

Organizers of the Army Marathon have planned on a marathon on April 21 that will travel from the Killeen Civic and Conference Center to Temple. TxDOT requires a resolution from all entities involved in order to grant a permit to the organization. The various streets will be affected from 6:00 a.m. to 10:00 a.m. The Police Department has reviewed the request and has agreed to participate.

CA-8 Consider minutes of Special City Council Meeting of March 5, 2013.

Mayor Pro-Tem Lower moved to approve CA-1, CA-2, CA-3, CA-4, CA-5, CA-7, and CA-8, seconded by Councilmember Clark. The motion was approved unanimously.

CA-6 Consider a city/owner agreement in principal to construct Jack Barnes Avenue/Great Divide Road/Cottonpatch Drive as minor collector streets and to extend a 12-inch diameter gravity sanitary sewer interceptor as part of the Bunny Trail Estates, Phase One subdivision [13-023R].

Councilmember Okray asked why the City was paying the entire cost for oversizing the streets. Public Works Director Richard Macchi advised the developer is responsible for a thirty-six foot street to serve his development; however, these streets appear on the Thoroughfare Plan as minor collector streets, and the City is required to pay for the oversizing. Funding for the project comes from a budgeted fund, and this agreement will nearly close the account. The City Council can consider changing the policy, and it will be on a future workshop for discussion.

Mayor Pro-Tem Lower moved to approve the resolution [13-024R], seconded by Councilmember Segarra. The motion was approved 6-1 (Councilmember Okray in opposition).

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider an ordinance as requested by Fred D. Garvin Sr. and Linda A. Garvin (Case #Z13-04) to rezone Lot 14, Block 7, South Park Addition Revised from R-1 (Single Family Residential District) to R-2 (Two-Family Residential District). The property is locally known as 1013 S. 4th Street, 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 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 has been submitted to allow the construction of a duplex on property that currently has a foundation slab and an accessory structure. All the surrounding property is R-1, and there were six letters of opposition returned in response to the twenty-eight letters of notification. Those opposed noted the surrounding property was all single-family residential and would be considered spot zoning. Those six represent 28.9% of the notification area, and it will take a three-fourths majority vote of the City Council to approve the request. The Planning and Zoning Commission recommended approval of the request; however, staff recommends denial.

Mayor Corbin opened the public hearing.

Michelle Lee, 2901 E. Stan Schlueter, and Fred Garvin, 2859 E. Stagecoach, spoke in support of the request. The development of this lot will only be profitable if it can be developed as two-family.

Deborah Kelley, 1014 S. 4th, Richard Overall, 1109 Searcy, and Andrea Griffith, 116 E. Fowler, all spoke in opposition. They emphasized that all the surrounding property is single-family, and approval of the request would be considered spot zoning.

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

Mayor Pro-Tem Lower moved to disapprove the request, seconded by Councilmember Okray. Mayor Corbin reiterated the opposition had said there had been no substantial changes to the neighborhood, the request would be inconsistent with the surrounding lands, and would be spot zoning. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider the establishment of a new zoning district “SR-2” Suburban Residential 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; CREATING ARTICLE IV, DIVISION 3B, DISTRICT “SR-2” SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT, BY CREATING 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.

This proposed change to the zoning ordinance resulted from a joint meeting with the Planning and Zoning Commission, and it will make a new zoning classification creating a lot size between suburban residential and estate residential. The Commission held several workshops and two public hearings on this amendment. It requires a lot size of 15,000 square feet, front yards with depth of at least 35 feet, side yards of ten feet, and rear yards of ten feet. Each lot may have one guest house that may not be rented. If this is approved, an amendment to the Comprehensive Land Use Plan will be brought forward for the Council’s consideration.

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

Councilmember Clark moved to approve the ordinance [13-017], seconded by Mayor Pro-Tem Lower. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance amending Chapter 28 establishing maximum speed limits on US 190, US 190 frontage roads and FM 2410.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, MISCELLANEOUS RULES OF THE CITY OF KILLEEN’S CODE OF ORDINANCES BY ESTABLISHING THE MAXIMUM CONSTRUCTION SPEED LIMITS ON U.S. HIGHWAY 190 (CENTRAL TEXAS EXPRESSWAY), U.S. HIGHWAY 190 FRONTAGE ROADS, AND FARM-TO-MARKET (FM) 2410; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

TxDOT has asked the City to lower speeds along US 190, the frontage roads, and FM 2410 during the construction of improvements. US 190 speed will be reduced from 60 m.p.h. to 55 m.p.h., US 190 frontage roads from 45 m.p.h. to 40 m.p.h., and FM 2410 from 50 m.p.h. to 45 m.p.h.

Mayor Pro-Tem Lower moved to approve the ordinance [13-018], seconded by Councilmember Segarra. The motion was approved unanimously.

OR-2 Consider an ordinance naming additional election judges and correcting polling locations for election of May 11, 2013.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING ORDINANCE NOS. 13-008 AND 13-013 TO APPOINT THE PRESIDING AND ALTERNATE JUDGES FOR PRECINCTS 106, 109, 204, 205, 404, 405, 406, AND 407/412/413; RELOCATING THE POLLING SITE FOR PRECINCTS 206/402/409; PROVIDING FOR AN EFFECTIVE DATE.

This completes the appointment of the remaining judges for the May 11 election, and it relocates the polling location for Precincts 206/402/409 to the Senior Center at Lions Park as it was last year.

Councilmember Gilmore moved to approve the ordinance [13-019], seconded by Councilmember Blackstone. The motion was approved unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Lower, and unanimously approved, the meeting was adjourned at 5:47 p.m.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary