

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 26, 2013
5:00 p.m.

Presiding: Mayor Pro-Tem Michael Lower

Attending: 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 Eric Bradley

Absent: Mayor Daniel A. Corbin

Rev. Jeff Miller gave the invocation, and Mayor Pro-Tem Lower led everyone in the pledge of allegiance.

Approval of Agenda

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

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of March 12, 2013.

CA-2 Consider a memorandum/resolution [13-025R] approving procurement of tires through state cooperative Buyboard for Fleet Services.

The annual purchase of tires in the amount of \$304,700 through the purchasing cooperative is from Southern Tire Mart.

CA-3 Consider a memorandum/resolution [13-026R] approving procurement of a lease agreement for a wheel loader through the TASB Buyboard State Cooperative for the transfer station.

Staff recommends lease of the wheel loader at a monthly rental of \$2,306.87 for a period of three years.

CA-4 Consider a memorandum/resolution [13-027R] adopting the 2012 Drainage Master Plan Update.

The Drainage Master Plan was last reviewed in 2010, and this update accounts for improvements needed to support new development and improvements to existing infrastructure.

CA-5 Consider a memorandum/resolution [13-028R] approving the appointment of an Executive Director of Aviation.

City Manager Morrison recommends Matthew Van Valkenburgh for the position of Executive Director of Aviation, with an effective starting date of April 8, 2013.

Councilmember Clark moved to approve the above items on the Consent Agenda, seconded by Councilmember Gilmore. The motion was approved unanimously.

Public Hearings / Ordinances

PH-1 A. **HOLD** a public hearing and consider a request by W.B.W. Land Investments L.P. (Case #FLUM 13-05) to change an approximate 62.31 acres being part of the Azra Webb Survey, Abstract No.857 from 'Suburban Residential' to 'General Residential'. The property is located on the north right-of-way of Stagecoach Road, approximately 270 feet west of Rein 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 RESIDENTIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 62.31 ACRES OF LAND LOCATED ALONG THE NORTH RIGHT-OF-WAY OF STAGECOACH ROAD, APPROXIMATELY 207 FEET WEST OF REIN DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

This request is to change the Future Land Use Map for this area of 62.31 acres from suburban residential to general residential. Staff recommended no change to the FLUM at the Planning and Zoning Commission meeting, believing the current classification provided the best balance to the area; however, the Commission voted to recommend approval of the request. The zonings of SR-1 and SR-2, providing for larger lot sizes, have been approved since the original adoption of the map, and staff believes either of these would be more appropriate to the surrounding areas. The Commission is currently working on the area south of Stagecoach Road from 195 to the eastern city limits.

Mayor Pro-Tem Lower opened the public hearing.

Garrett Nordyke, 3000 Illinois, appeared in support of the request. He noted R1-A is to the north and R-1 to the east, and R-1 is allowed in the Suburban Residential classification. There have been twelve amendments to the Comprehensive Plan since adoption, and he encouraged the Council to approve this request.

Kathy Harkin, 6607 Rein Drive; Linda Knotts, 3212 Carpet Lane; Glenn Bauer, 6605 Rein Drive; and Lynn Dowling, 601 Rein Drive, all appeared in opposition to the request. They cited concerns regarding ongoing road construction, congestion, and incompatibility with the

surrounding areas of Stagecoach Road and Wagon Wheel with the larger lot sizes and rural appearance.

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

Councilmember Clark moved to disapprove the request, since he believed the requested change would be inconsistent with the neighborhood and would impact the surrounding area negatively. Councilmember Okray seconded the motion. Mr. Nordyke asked the Council to consider approving the request, and the developer would agree that the houses backing the residences on Rein Drive would be limited to one story. City Attorney Davis advised negotiation on a zoning case was not allowed, and that the developer would have to come back with a separate item. The motion was approved 5-1 (Councilmember Gilmore in opposition), and the request was denied.

B. **HOLD** a public hearing and consider a request for an ordinance by W.B.W. Land Investments, L.P. (Case #Z13-05) to rezone approximately 2.83 acres being part of the Azra Webb Survey, Abstract No.857 from AR-1 (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, approximately 270 feet west of Rein 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-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.

Zoning must be in accordance with the Comprehensive Plan; since the requested change to the FLUM was denied, this zoning request cannot be approved. After consulting with the developer's representative, it is recommended that this item be tabled indefinitely.

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

Councilmember Segarra moved to table the request, seconded by Councilmember Gilmore. The motion was approved 4-2 (Councilmembers Clark and Okray in opposition).

PH-2 **HOLD** a public hearing and consider an ordinance as requested by W.B. Whitis Investments, LTD. (Case #Z13-06) to rezone approximately 2.83 acres being part of the Azra Webb Survey, Abstract No.857 from R-1 (Single Family Residential District) to B-4 (Business District). The property is located on the north right-of-way of Stagecoach Road approximately 150 feet west of S. W.S. Young 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 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 a tract located on the north side of Stagecoach Road west of W. S. Young Drive and is intended for commercial development. There was one letter of support and one of opposition returned in response to the seven letters of notification, and the Planning and Zoning Commission recommended rezoning for B-3.

Mayor Pro-Tem Lower opened the public hearing. Garrett Nordyke, 3000 Illinois, appeared in support of the request, and he stated they are agreeable to the B-3 zoning. With no one else appearing, the public hearing was closed.

Councilmember Blackstone moved to approve the ordinance [13-020] with B-3 zoning, seconded by Councilmember Foster. The motion was approved unanimously.

- PH-3
- A. Consider a memorandum/resolution authorizing the award of a professional services contract to Mitchell and Associates, Inc. to prepare the design for Trimmier Road Widening and additional access improvements.
 - B. Consider a memorandum/resolution expressing official intent by the City to reimburse for certain costs related to Trimmier Road expansion costs.
 - C. **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 professional services account by \$774,000 for the Trimmier Road widening project.

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 \$774,000 IN THE PROFESSIONAL SERVICES DEPARTMENT EXPENDITURE ACCOUNTS TO FUND THE TRIMMIER ROAD WIDENING PROJECT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

This relates to the improvements planned for Trimmier Road and will provide for a turn lane on Trimmier south of US 190 to Bacon Ranch Road, an access road from Trimmier east to Wal-

Mart Boulevard, an added traffic signal and turn lane at Lowe's and Wal-Mart Boulevards, widen Trimmier north of US 190 to Jasper Drive, and add a turn lane on Trimmier Road from Bacon Ranch Road south to Elms Road. There may be some minor inconvenience to drivers during the period of construction, but the long-term benefits will be worth it.

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

Councilmember Okray moved to approve the ordinance [13-021] and resolutions [13-029R, 13-030R], seconded by Councilmember Blackstone. The motion was approved unanimously.

PH-4 **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 by \$48,463 in various support services department and municipal court department expenditure accounts.

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 \$48,463 IN VARIOUS EXPENDITURE ACCOUNTS; 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 fund an executive assistant to assist the Executive Director of Support Services and an additional court collections clerk for the Municipal Court.

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

Councilmember Segarra moved to approve the ordinance [13-022], seconded by Councilmember Clark. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance to amend Fire Department Civil Service pay plan for cost of living adjustment.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS UPDATING THE FIRE DEPARTMENT PAY PLAN TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.041, 143.042, 143.043, 143.044, 143.047; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

The 2012-2013 budget provided for a two percent cost-of-living increase in the Fire Department civil service pay plan, effective April 1. The approximate cost is \$114,877.

Councilmember Blackstone moved to approve the ordinance [13-023], seconded by Councilmember Okray. The motion was approved unanimously.

OR-2 Consider an ordinance to amend Police Department Civil Service pay plan for cost of living adjustment.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS UPDATING THE POLICE DEPARTMENT PAY PLAN TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.041, 143.042, 143.043, 143.044, 143.047; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

The 2012-2013 budget provided for a two percent cost-of-living increase in the Police Department civil service pay plan, effective April 1. The approximate cost is \$151,696.

Councilmember Clark moved to approve the ordinance [13-024], seconded by Councilmember Okray. The motion was approved unanimously.

OR-3 Consider an ordinance to amend the number of authorized and over-hire fire rescue officer civil service positions.

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.

On July 7, 2012, the Council authorized the temporary increase of one Fire and Rescue Officer and decrease one position on the over hire list. Robert Williams returned to work on February 14, 2013, to his position as Fire and Rescue Officer. Accordingly, the number of authorized Fire and Rescue Officers needs to be reduced by one and the over hire list increased by one.

Councilmember Segarra moved to approve the ordinance [13-025], seconded by Councilmember Okray. The motion was approved unanimously.

OR-4 Consider an ordinance to amend the number of authorized and over-hire police officer civil service positions.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, TO AUTHORIZE THE NUMBER OF POLICE 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.

On November 8, 2011, the Council authorized the temporary increase of one Police Officer and decrease one position on the over hire list. Timothy Manges returned to work on December 7, 2012. Accordingly, the number of authorized Police Officers needs to be reduced by one and the over hire list increased by one.

Councilmember Okray moved to approve the ordinance [13-026], seconded by Councilmember Segarra. The motion was approved unanimously.

OR-5 Consider an ordinance to amend the classifications and numbers of authorized Police Department Civil Service sergeant positions.

The caption of the ordinance was read as follows:

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

The 2012-2013 budget provided for one additional sergeant to be added for one-half year, and this will bring the total authorized number of sergeants to twenty-four. The approximate cost is \$41,424.

Councilmember Okray moved to approve the ordinance [13-027], seconded by Councilmember Blackstone. The motion was approved 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 6:20 p.m.

Michael Lower, Mayor Pro-Tem

Paula Miller, City Secretary