

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
April 9, 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, Executive Assistant Melissa Zeig for City Secretary Paula Miller, and Sergeant-at-Arms Eric Bradley

Rev. Orlando Williams gave the invocation, and Councilmember Segarra led everyone in the pledge of allegiance.

**Approval of Agenda**

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

**Citizens Petitions and Information**

CP-1 Jennifer Williams (3707 Woodrow Drive) - Discuss bagging trash in city receptacles

Jennifer Williams, 3707 Woodrow Drive, addressed the Council to propose that an ordinance be implemented to require residents to bag their trash before placing it in trash containers, impose fines on those who do not bag their trash, and impose harsher fines on those who are repeat offenders.

**Consent Agenda**

CA-1 Consider minutes of Regular City Council Meeting of March 26, 2013.

CA-2 Consider a memorandum/resolution authorizing the City Manager to extend the agreement with Valley View Consulting, LLC as the city's investment advisors.

Staff recommends extending the \$50,000 per year agreement with Valley View Consulting, LLC as the city's investment advisors.

CA-3 Consider a memorandum/resolution authorizing the permanent closure of Avenue E (Tank Battalion) at the intersection of State Highway 195 (Fort Hood Street.)

In order to pursue a quiet zone in consideration of the community's quality-of-life issues, City Staff, Fort Hood GC, TxDOT, FRA and BNSF concluded that center medians would be installed and extend across the intersection of Avenue E (on Fort Hood) and that all

turning movement would be eliminated at the intersection to prevent vehicular traffic from entering the railroad. The approximated cost to construct the medians is approximately \$50,000 and will be reimbursed by Fort Hood Family Housing. Staff recommends that the City Council authorize the permanent closure of Avenue E (Tank Battalion) at the intersection of State Highway 195 (Fort Hood Street).

CA-4 Consider a memorandum/resolution authorizing Change Order No. 6 to the Downtown Streetscaping and Andy K. Wells Trail Extension Project with The Fain Group, Inc.

CA-5 Consider a memorandum/resolution authorizing Change Order No. 7 to the Downtown Streetscaping and Andy K. Wells Trail Extension Project with The Fain Group, Inc.

Consent agenda items #4 and #5 regarding Change Order No. 6 and Change Order No. 7 are interrelated and were taken at the same time. Change Order No. 6 addresses the deletion of quantities for pavement milling and asphalt overlay items along Avenue G between 10<sup>th</sup> Street and 28<sup>th</sup> Street. Change Order No. 7 provides for the deletion of 150 linear feet of handrail and the replacement of 2,154 feet of protective rail to operate as a safety measure as well as an additional aesthetic feature to the streetscaping. Due to the cost savings associated with Change Order No. 6, the proposed Change Order No. 7 results in a cumulative .28% decrease to the contract. Staff recommends that City Council authorize Change Order No. 6 and Change Order No. 7 to the Downtown Streetscaping and Andy K. Wells Trail Extension Project with The Fain Group, Inc.

CA-6 Consider a request by MH4 Joint Venture, Ltd. (**Case #13-005FS**: Walnut Creek Estates Phase 9) for a final plat, being approximately 64.85 acres out of the H. Williams Survey, Abstract No. 915, Bell County, Texas. The property is located in the extra-territorial jurisdiction (ETJ) of the City of Killeen, at the terminus of Hickory Drive.

Staff recommends approving plat case #13-005FS based upon the Planning and Zoning Commission's 7 to 0 vote.

CA-7 Consider a memorandum/resolution approving the appointment of an Executive Director of Support Services.

Staff recommends that the City Council approve the appointment of Stuart G. McLennan III, who was selected as the most qualified of the top 8 candidates interviewed, to fill the position of Executive Director of Support Services.

CA-8 Consider a memorandum/resolution authorizing the purchase of real property from MH Killeen Retail Development, LTD. for right of way purposes to facilitate the construction of the Rosewood Overpass/FM 2410 project.

Staff recommends that the City Council authorize the purchase of real Property from MH Killeen Retail Development, LTD with the fiscal impact of \$592,000.00, and that the City Manager or Assistant City Manager be authorized to enter into an agreed judgment in the amount of the purchase to resolve the pending condemnation case.

CA-9 Consider an ordinance changing one polling location for election of May 11, 2013.

Due to a conflict with the current Precinct #205 polling station located at Marlboro Heights Baptist Church, 800 Rev. R.A. Abercrombie Drive, staff recommends changing the polling location to Killeen Independent School District's Jackson Learning Center located at 902 Rev. R.A. Abercrombie Drive, which is in close proximity to Marlboro Heights Baptist Church. The change in location will result in an additional increase of \$50-\$150, which will be shared with Killeen I.S.D.

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

#### **Public Hearings / Ordinances**

PH-1 **HOLD** a public hearing and consider an ordinance as requested by Carla Wright (**Case #Z13-07**) to rezone part of Tract 4, Cherokee Commercial Subdivision, being approximately 0.536 acres from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) for on premises consumption of alcohol. The property is known as “Let Us Do the Cooking” and located at 203 W. Jasper 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 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 has been submitted to allow for the on-premises sale and consumption of beer, wine, and mixed beverage sales in conjunction with the *Let Us Do The Cooking* catering/cafe business. Staff notified five surrounding property owners, received no protests, but one response of support. The Planning and Zoning Commission unanimously recommended approval of the rezoning request limited to the footprint of the existing establishment.

Mayor Corbin opened the public hearing.

Meredith Viguers, 203 West Jasper Drive, spoke in support of the request in order to expand her business so that she may better serve her customers by offering as many services as possible and to improve their footprint in the community.

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

Councilmember Foster moved to approve the ordinance [13-029], seconded by Councilmember Terry Clark. Mayor Corbin restated the motion and asked if the maker and second of the motion intended it to be applicable for the footprint of the building only. Councilmembers Foster and Clark agreed that it did. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance as requested by Killeen United Management, Inc. (**Case #Z13-08**) to rezone Lot 1, Block 1, Jamie Addition from RC-1 (Restaurant and Alcohol Sales District) to B-5 (Business District) for off premises sale of alcohol. The property was known as “The Garden Palace” located at 1000 W. 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 RC-1 (RESTAURANT AND ALCOHOL SALES DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This request to rezone Lot 1, Block 1, Jamie Addition, from RC-1 (Restaurant and Alcohol Sales District) to B-5 (Business District) for a Valero Gas Station. Staff notified five surrounding property owners of the request and received no responses. The Planning and Zoning Commission unanimously recommended approval of the B-5 (Business District) zoning request.

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

Councilmember Clark moved to approve the ordinance [13-030], seconded by Councilmember Gilmore. The motion was approved unanimously.

### **Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Lower, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 5:33 p.m.

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Daniel A. Corbin, Mayor

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Paula Miller, City Secretary