

City of Killeen
Regular City Council Meeting
Killeen City Hall
January 13, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms McDaniels.

Mayor Cospers gave the invocation, and Councilmember Harris led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written. Motion seconded by Councilmember Gilmore. The motion carried unanimously.

Presentations

- PR-15-001** Mickey's Convenience Store Check Presentation
Brett Williams explained that Mickey's Convenience Store has contributed over \$100,000 over 10 years to city projects. They presented a check for \$50,000.00 to the city that will be used for a new city dog park.
- PR-15-002** Update on City of Killeen ISO Rating
Fire Chief Gardner introduced Phillip Bradley, Texas manager for ISO. ISO ratings are based primarily on fire protection the city provides to its citizens. ISO ratings allow the insurance industries to modify its rates to the citizens. Beginning March 1, 2015 Killeen will have a Class 1 ISO rating, a distinct accomplishment, one of 102 cities with that low rating.

Consent Agenda

- CA-15-001** Consider minutes of Regular City Council meeting of December 16, 2014.
No changes.
- CA-15-002** Consider a memorandum/resolution authorizing the purchase and installation of a replacement basketball court for Long Branch Park through the TASB Buy Board.
Staff comments: Brett Williams
A staff review has revealed that the park would be best served to expand the basketball facility to include two full basketball courts and replacing the existing surface and goal structures. Staff recommends that City Council authorize the purchase of basketball court equipment from XGrass, Inc. through the TASB Buy Board to replace the basketball court at Long Branch Park in the amount of \$95,318, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

- CA-15-003** Consider a memorandum/resolution authorizing the purchase and installation of dog park equipment at the Killeen Community Center Complex through the TASB Buy Board.
Staff comments: Brett Williams
Staff has identified the area formerly utilized as a baseball field at the Killeen Community Center Complex to construct a dog park. Mickey's Convenience Store check donation for \$50,000.00 to be used for park. Staff recommends that City Council authorize the purchase of dog park equipment and associated amenities from the PlayWell Group through the TASB Buy Board in the amount of \$77,810, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.
- CA-15-004** Consider a memorandum/resolution updating authorized representatives for First Tennessee Bank.
Staff comments: Karen Evans
Staff recommends that these changes be made regarding First Tennessee Bank authorized representatives for the City of Killeen: ADD – Karen Evans, Interim Director of Finance and Latashia Cherry, Accounting Supervisor; RETAIN – Glenn Morrison, City Manager; and REMOVE – Martie Simpson
- CA-15-005** Consider a memorandum/resolution to reject all bids received on Bid No. 15-04 Families In Crisis Homeless Shelter Renovation project.
Staff comments: Leslie Hinkle
Two (2) complete bids were received, Tom Wright Construction, LLC, Waco, Texas - \$1,300,000.00 and RM Rodriguez Construction, L.P., Temple, Texas - \$1,387,000.00. The bids exceed the available budget for the project. The architect and owner will revisit the project scope and determine the best course of action to move the project forward. Staff recommends the City Council reject all bids submitted on this project.
- CA-15-006** Consider a memorandum/resolution granting a utility easement to Oncor Electric Delivery Company, LLC. for the extension of electrical services to the Fort Hood November 5, 2009 Memorial site.
Staff comments: Scott Osburn
The extension of electrical services to the memorial site is necessary for the construction and operation of the Fort Hood November 5, 2009 Memorial. Oncor Electric Delivery Company, LLC. has requested an easement be granted to facilitate this extension. City staff recommends that the City Council approve this resolution granting the attached utility easement and authorize the City Manager to execute the same.
- CA-15-007** Consider a memorandum/resolution authorizing the award of Bid No. 15-03 for the construction of a traffic signal at FM 3470 (Stan Schlueter Loop) and Bunny Trail to Austin Traffic Signal Construction Company, Inc.
Staff comments: Scott Osburn
One bidder submitted a bid on the project. The staff recommends the City Council award a construction contract to the lowest responsible bidder meeting the specifications, Austin Traffic Signal Construction Company, Inc. of Round Rock, Texas for \$207,496 and request that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

CA-15-008 Consider a memorandum/resolution approving the investment report for the quarter that ended September 30, 2014.

Staff comments: Karen Evans

Susan Anderson w/Valley View Consulting explained the investment report. The investment report summarizes all investment activity for the quarter ending September 30, 2014. Staff recommends that the City Council approve the attached investment report for the quarter ended September 30, 2014.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 001 through 008, as presented. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

Public Hearings / Ordinances

PH-15-001 HOLD a public hearing and consider an ordinance requested by Debra Neil Means, Trustee of the Neil Clinkenbeard Estate, (Case #Z14-38) to rezone 1.70 acres from "R-3" (Multifamily Residential District) and "B-5" (Business District) to "B-5" (Business District), being part of the A. Dickson Survey, Abstract No. 266. The property is addressed as 1201 N. 38th Street, Killeen, Texas.

The City Secretary read the caption of the ordinance.

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-3 (MULTIFAMILY RESIDENTIAL DISTRICT) AND B-5 (BUSINESS DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The zoning request is consistent with the Comprehensive Plan. Staff notified 18 surrounding property owners within the 200' notification area. Staff has received no protests. The Planning and Zoning Commission recommended approval of zoning the eastern half of the property to "B-5" (Business District) and the western half of the property to "B-3" (Local Business District) by a vote of 7 to 0.

Mayor Cospers opened the public hearing.

Allen Cloud, 1793 S. W.S. Young - a representative of Ms. Means, property owner - Spoke in favor of P&Z's recommendation.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-001 in accordance to P&Z's recommendation. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

PH-15-002 HOLD a public hearing and consider an ordinance requested by Derrel Heginbotham, (Case #Z14-39) to rezone 0.427 acres from "B-3" (Local Business District) to "B-5" (Business District), being part of Tract 3, Block 6, Medical Arts Subdivision. The property is addressed as 2611 E. Rancier Avenue, Killeen, Texas. (Requires 3/4 Majority Vote for Approval)

The City Secretary read the caption of the ordinance.

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 DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The zoning request is consistent with the intent of the Comprehensive Plan.

Staff notified eleven (11) surrounding property owners within the 200' notification area. Staff has received a protest from Patricia Masto, the owner of 1006 Pine Drive. The Planning and Zoning Commission recommended *disapproval* of the applicant's request by a vote of 6 to 1. Mr. Heginbotham has someone who is interested in leasing the property for the outside sale and display of used furniture. The Commissioners were concerned with possible unsightly conditions and clutter that may result from this type of use.

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

Motion was made by Mayor Pro-Tem Blackstone to disapprove PH-002. Motion was seconded by Councilmember Okray. Motion carried unanimously.

PH-15-003A HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Residential' to 'General Residential' (FLUM# Z14-40) for approximately 76.27 acres, being White Rock Phase Ten.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 76.27 ACRES OF LAND LOCATED NORTH OF CHAPARRAL ROAD ALONG THE KILLEEN/ HARKER HEIGHTS CITY LIMITS, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The Planning and Zoning Commission recommended *disapproval* of amending the FLUM from 'Suburban Residential' to 'General Residential' for this area by a vote of 4 to 3.

Mayor Cosper opened the public hearing.

Renate Reams, 6705 Alvin Drive – spoke in opposition of the requested rezoning.

Kathy Harkin, 6607 Rein Drive – spoke in opposition of the requested rezoning.

Gary Purser Jr., 2901 E. Stan Schlueter – spoke in opposition of disapproving the request and

asked the Council to amend the FLUM to General Residential.

Jared Foster, 703 Donnie Ave – spoke in favor of disapproving the request.

(Jose Segarra left at this point, 6:00)

Cherie Smith, 6405 Marble Falls Dr – requested Council designate that the developer build a park for kids.

Councilmember Okray, Councilmember Harris, Councilmember Clark, and Mayor Pro-Tem Blackstone spoke in favor of abiding by the current FLUM.

Councilmember Rivera – spoke in favor of requested rezoning.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Harris to disapprove PH-003A. Motion was seconded by Councilmember Okray. Motion carried 4 to 2 with Councilmember Rivera and Councilmember Gilmore in opposition.

PH-15-003B HOLD a public hearing and consider an ordinance requested by RSBP Developers, Inc. (Case #Z14-40) to rezone Lots 5 and 8-13, Block 4, Lots 3-12, Block 5, Lots 3-20, Block 6, Lots 3-16, Block 9, Lots 3-9, Block 10, Lots 1-18, Block 11 and Lots 1-12, Block 12, White Rock Estates Phase Ten, from "SR-1" (Suburban Residential Single-Family District) and "R-1" (Single-Family Residential District) to "R-1" (Single-Family Residential District). The property is located south of Morganite Lane within the White Rock Phase Ten subdivision.

The City Secretary read the caption of the ordinance.

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

Staff comments: Tony McIlwain

Staff notified three (3) surrounding property owners within the 200' notification area. Staff has received no protests. The Planning and Zoning Commission recommended *disapproval* of "R-1" (Single-Family District) by a vote of 3 to 1, with Commissioner Dorroh in opposition to the motion to disapprove. Commissioners Butler, Cooper and DeHart abstained from voting.

Mayor Cosper opened the public hearing.

Gary Purser Jr., 2901 E. Stan Schlueter – Asked to withdraw the requested zoning.

Renate Reams, 6705 Alvin Drive – spoke in opposition of requested zoning.

Kathy Harkin, 6607 Rein Drive – spoke in opposition of requested zoning.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to disapprove PH-003B. Motion was seconded by Councilmember Harris. Motion carried 4 to 2 with Councilmember Gilmore and Councilmember Rivera in opposition.

PH-15-004 HOLD a public hearing and consider an ordinance requested by Wesley Atkinson (Case #Z14-41) to rezone .843 acres from “R-1” (Single-Family Residential District) to “B-4” (Business District), being part of the J. H. Lewis Survey, Abstract No. 536. The property is locally known as 7908 Clear Creek Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

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

Staff comments: Tony McIlwain

Staff notified three (3) surrounding property owners within the 200' notification area. Staff has received no protests. The Planning and Zoning Commission recommended approval of "B-3" (Local Business District) by a vote of 7 to 0. The applicant is amenable to the B-3 zoning district.

Mayor Cosper opened the public hearing.

Andrea Thomas, 3150 Louis Lane – spoke in favor of requested zoning.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-004. There was no second. Motion failed.

Motion was made by Councilmember Clark to approve PH-004 as recommended by P&Z, changing the zoning to B-3. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:35 p.m.

Scott Cosper, Mayor

Dianna Barker, City Secretary