

City of Killeen
Regular City Council Meeting
Killeen City Hall
June 11, 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 Assistant City Manager John Sutton, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms Lane Copelin.

Bishop Shaw gave the invocation, and Mayor Corbin led everyone in the pledge of allegiance.

Approval of Agenda

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

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of May 28, 2013.

CA-2 Consider a memorandum/resolution [13-057R] for the procurement of ten (10) vehicles for the FY 12-13 consolidated vehicles and light truck budget.

This vehicle purchase has been budgeted, and staff recommends awarding the bids to Sam Pack's Five Star Ford and Caldwell Country Ford as listed in the resolution.

CA-3 Consider a memorandum/resolution [13-058R] for procurement of copier services for Police Department.

Staff recommends a five-year lease of a Konica Minolta copier at a cost of \$15,861.24 per year.

CA-4 Consider a memorandum/resolution [13-059R] authorizing application for 2013 Bulletproof Vest Partnership Program Grant through the Bureau of Justice Assistance.

This annual grant will reimburse officers up to \$500 for body armor, and the City will reimburse up to an additional \$500.

CA-5 Consider a memorandum/resolution [13-060R] approving a lease agreement with PHI Air Medical, LLC for hangar facilities at Skylark Field.

This five-year lease for hangar space at Skylark Field provides for a payment of \$36,000.00 per year with increases of \$1,200.00 per year for years two through five of the lease.

CA-6 Consider a memorandum/resolution [13-061R] approving the Investment Report for the quarter ending March 31, 2013.

State law requires the City Council to review the Investment Report on a quarterly basis, and the Council reviewed the report in depth at its workshop on June 4.

CA-7 Consider a memorandum/resolution [13-062R] rescheduling July City Council Meetings.

Staff recommends cancelling the workshop of July 2, moving the regular July 9 meeting to July 16 and the meeting of July 23 to July 30, with a special meeting on July 9 for delivery of the preliminary budget.

Mayor Pro-Tem Blackstone 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 adopting the FY 2013-2014 Annual Action Plan for the Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) program (1st of 2 public hearings).

CDBG Director Leslie Hinkle advised the CDBG allocation from the US Department of Housing and Urban Development (HUD) is \$959,678.00. Combined with program income and completed CDBG projects of \$141,379.94, a total of \$1,101,057.94 is available for CDBG activities in 2013-2014. The HOME HUD allocation is \$313,735.00, and with program income and reprogrammable funds of \$275,592.78, \$589,327.78 is available for 2013-2014.

CDAC Chair Kim Barr reported the committee's recommendations as follows:

CDBG Public Services:

Bell County Human Services - \$4,974.38
Bring Everyone in the Zone - \$10,974.38
Communities In Schools of Greater Central Texas, Inc. - \$20,056.28
Families in Crisis, Inc. - \$5,974.38
Greater Killeen Free Clinic - \$25,000.00
Hill Country Community Action Assoc. /Aging Services - \$5,980.29
Killeen Housing Authority, summer camp program 2014 - \$991.99
City of Killeen Transportation Program, elderly transportation - \$70,000.00

Housing:

Housing Renewal Program – \$221,912.00

Acquisitions, Public Facilities and Improvements:

Central Texas 4C, Inc. Head Start surveillance systems - \$32,694.20
Families in Crisis, Inc.: homeless shelter renovations - \$510,564.44

Administration/Planning:

Administration and Planning of CDBG Program - \$191,935.60
Total CDBG Funds Allocated - \$1,101,057.94

Home Investment Partnerships (HOME) Program:

Administration - \$31,369.20
Community Housing Development Organizations [CHDO] Set Aside, 2013-14 minimum set aside requirement - \$47,053.80
Families In Crisis, Inc. Tenant Based Rental Assistance program - \$213,853.24
City of Killeen Community Development Division Elderly TBRA program - \$207,008.54
City of Killeen Community Development Division 2013-14 HAP assistance with repairs - \$90,000.00

Total Home Funds Allocated - \$589,284.78

Councilmember Clark inquired about the remodeling of the church for a homeless shelter and whether costs could increase. Director Hinkle advised Families in Crisis has engaged engineering services for a preliminary review of the building, and the organization is seeking additional funding from other sources. Dr. Larry Menke, on behalf of Families in Crisis, advised the architect has surveyed the building, and it is structurally sound.

Mayor Corbin opened the public hearing.

Maureen Jouett, 2312 Davis, appeared on behalf of Bring Everyone in the Zone, an organization to help veterans and their families.

Dean Park, 111 North Gray, owner of Bellco Equipment, was concerned about the possibility of additional homeless when the shelter was full. He is working to improve the downtown area and wants to make certain contingency plans are available when the shelter is full.

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

PH-2 A. Consider a memorandum/resolution accepting the Federal Emergency Management Agency and Department of Homeland Security Assistance to Firefighters Grant for personal protective equipment for the Fire Department.

B. **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 General Fund Budget by increasing revenues supporting receipt of the Federal Emergency Management Agency and Department of Homeland Security Assistance to Firefighters Grant and increasing expenditures to fund Uniforms & Clothing.

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 GENERAL FUND ACCOUNT 010-0000-382.45-32 FIRE DEPARTMENT GRANT IN THE AMOUNT OF \$54,956 AND

GENERAL FUND ACCOUNT 010-7070-442.41-20 UNIFORMS & CLOTHING IN THE AMOUNT OF \$54,956; 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 a grant to provide paid and volunteer fire fighters with protective equipment, and the budget must be amended to account for the grant and allow expenditure for the equipment.

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

Mayor Pro-Tem Blackstone moved to approve the resolution [13-063R] and ordinance [13-045], seconded by Councilmember Okray. The motion was approved unanimously.

PH-3 **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 General Fund Budget by increasing revenues supporting receipt of the Selective Traffic Enforcement Program (STEP) Grant and increasing expenditures in various accounts for the Killeen Police Department.

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 GENERAL FUND GRANT REVENUES BY \$168,800 AND INCREASING VARIOUS EXPENDITURE ACCOUNTS IN THE POLICE DEPARTMENT BUDGET BY \$168,800; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

The City Council previously approved application for the STEP grant; however, the grant was not issued until after the beginning of this fiscal year. Accordingly, the budget must be amended to account for these funds and allow expenditure from the fund.

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

Councilmember Segarra moved to approve the ordinance [13-046], seconded by Councilmember Gilmore. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider an ordinance requested by Vernon P. and Marion Meadows (Case #Z13-16) to rezone approximately 3.436 acres, being part of the Robert Cunningham Survey, Abstract No. 199 from R-1 (Single-Family Residential District) to B-3 (Local Business District) for a convenience store. The property is located on the north right-of-way of Stagecoach Road, approximately 392 feet west of S. W.S. Young Drive (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-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 for a three-acre tract for development as a convenience store. The area is shown on the Comprehensive Plan as Suburban Commercial. There were four letters of opposition returned in response to the ten letters of notification, and the Planning and Zoning Commission unanimously recommended disapproval of the request. Neighborhood Business District (NBD) was adopted by the Council after this zoning case was submitted.

Mayor Corbin opened the public hearing. Bob Mitchell, 102 N. College, appeared in support of the application. The request is consistent with the Comprehensive Plan. He said the owners might consider the NBD, but they haven't had a chance to discuss it. City Planner Tony McIlwain advised that the applicant could reapply with a different request if this request is denied.

Those speaking in opposition were: Mary Melton, 418 Llewellyn Lane; Janet Culver, 2427 E. Stagecoach; Fred Garvin, 2859 E. Stagecoach; Teresa Garvin, 2771 E. Stagecoach; Susie Croft, 2384 E. Stagecoach; Jim Lindley, 193 Llewellyn Lane; Jim Wilson, 2316 E. Stagecoach; David Holland, 2236 E. Stagecoach; Carole Diller, 567 Llewellyn Lane; Mary Wiley, 890 Llewellyn Lane; and Ed Hughes, 505 Llewellyn Lane. They all stated that this area is entirely residential, on large lots, and with a lot of old trees. The tract in question is one of the most beautiful in the area, and development of the lot for a convenience store would put too much traffic on an area already congested. Neighborhoods in the surrounding area have lots set aside for B-3. There are seven convenience stores in a one-mile radius, one of which has already closed. There is no need for another convenience store at this location.

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

Mayor Pro-Tem Blackstone moved to disapprove the request because there was no public need for the rezoning and was inconsistent with the surrounding area, seconded by Councilmember Okray. The motion was approved unanimously.

Mayor Corbin called a brief recess.

Ordinances / Resolutions

OR-1 Consider an ordinance amending Chapter 18, Article VI, Graffiti Removal.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS; AMENDING ARTICLE VI, GRAFFITI REMOVAL; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Two legislative sessions ago, state law placed new requirements on a city with regard to graffiti abatement. Before a city can require an individual to remove graffiti from his property, the city must offer to remove it free of charge, and the property owner must refuse. If the property owner refuses or fails to accept the city's offer, the city must send a written notice that the owner has fifteen days to remove the graffiti. If the owner fails to do so, the city can remove the graffiti and place a lien on the property for the cost of abatement.

Councilmember Gilmore moved to approve the ordinance [13-047], seconded by Councilmember Segarra. The motion was approved unanimously.

OR-2 Consider an ordinance amending Chapter 18, Article V, Junk Vehicles.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS; AMENDING ARTICLE V, JUNK VEHICLES, SECTION 18-53, EXCEPTION; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This code amendment would allow automobile repair shops to store inoperable vehicles behind a screening device while the vehicle is being repaired.

Councilmember Okray moved to approve the ordinance with the removal of vehicle repair shop from paragraph B, seconded by Councilmember Harris.

Mayor Corbin advised this amendment was an attempt to improve the City's image, but Councilmember Foster thought it would be better to remove junked vehicles, rather than just hide them. Councilmember Clark advised that some cars in the process of being repaired may be waiting on parts to be received. They are inoperable and in a junked condition; however, they are not truly junked vehicles.

City Attorney Davis pointed out that the code defines a junked vehicle as one that displays an expired license plate or invalid inspection sticker or does not display the plate or sticker, is wrecked, dismantled, or partially dismantled or discarded, or is inoperable and has remained inoperable for more than seventy-two consecutive hours on public property or thirty consecutive days on private property. Once the Code Enforcement Officers issue a notice, the City must wait ten days before the abatement and hearings. If it is documented that a vehicle was in the same location, the officer could write a ticket immediately.

Councilmember Harris advised he did not want to see repair shops become junk yards; however, he suggested a compromise of sixty days in which to complete work on a vehicle.

Assistant City Manager Sutton suggested the ordinance be reviewed by staff and brought back to the City Council in six months or so.

Councilmember Foster moved to lay the ordinance on the table, seconded by Councilmember Okray. 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 7:07 p.m.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary