

City of Killeen
Regular City Council Meeting
Killeen City Hall
June 25, 2013
5:00 p.m.

Presiding: Mayor Pro-Tem Elizabeth Blackstone

Attending: Councilmembers Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, and Jonathan Okray

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, and City Secretary Paula Miller

Absent: Mayor Daniel A. Corbin, Councilmember Jose Segarra

Councilmember Okray gave the invocation, and Councilmember Clark led everyone in the pledge of allegiance.

Approval of Agenda

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

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of June 11, 2013.

CA-2 Consider a memorandum/resolution [13-064R] authorizing Parks and Recreation to enter into a lease agreement with Marathon Fitness for cardiovascular equipment.

This three-year lease of cardiovascular equipment will be paid from the equipment replacement account, and total cost of the lease is \$110,093.26.

CA-3 Consider a memorandum/resolution [13-065R] for a recommendation to the Employee Benefit Trust to award RFP No. 13-14 Group Employee Term Life and Accidental Death & Dismemberment Insurance Benefits.

Staff recommends that the City Council make a recommendation to the Employee Benefit Trust to award the bid for employee term life and accidental death and dismemberment insurance to Dearborn National.

CA-4 Consider a memorandum/resolution [13-066R] approving a Communications Facilities License agreement extension with Aeronautical Radio, Inc., d/b/a ARINC at Killeen-Fort Hood Regional Airport.

Staff has negotiated a five-year lease with Aeronautical Radio for extension of a lease that originated in 2007. The company provides voice and data communications services to airlines and corporate aircraft at the airport. The lease will run through June 30, 2018.

CA-5 Consider a memorandum/resolution [13-067R] approving an Interlocal agreement for cooperative purchasing for actuarial shared services regarding GASB 45 with North Central Texas Council of Governments.

GASB 45 requires an actuarial study on post-employment benefits at least biennially. Staff recommends an interlocal agreement for cooperative purchasing for actuarial shared services with the North Central Texas Council of Governments.

CA-6 Consider a memorandum/resolution [13-068R] appointing an independent auditor at the recommendation of the Audit Committee for the fiscal year ending September 30, 2013.

In 2012, the City Council awarded an agreement with Weaver LLP for independent audit services for the fiscal year ended September 30, 2012. The agreement included a renewal option for three additional years. Staff recommends Weaver LLP again be approved as independent auditor for the fiscal year ended September 30, 2013.

Councilmember Okay moved to approve the above items on the Consent Agenda, seconded by Councilmember Harris. 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 (2nd of 2 public hearings).

The caption of the ordinance was read as follows:

AN ORDINANCE AUTHORIZING THE 2013-2014 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$959,678.00 IN FY 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS IN THE AMOUNT OF \$141,379.94 FOR A TOTAL EXPENDITURE OF \$1,101,057.94 OF CDBG FUNDS; AND THE APPLICATION OF \$313,692.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS IN THE AMOUNT OF \$275,592.78 FOR A TOTAL EXPENDITURE OF \$589,284.78 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

CDBG Director Leslie Hinkle reported this was the second of two required public hearings. She introduced the HUD representative and members of the CDAC committee in attendance at tonight's meeting.

CDAC Chair Kim Barr reported the committee's recommendation 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

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

Councilmember Okay moved to approve the ordinance [13-048], seconded by Councilmember Clark. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider a plat submitted by G. Wayne Coper (Case #12-022RRS: Coper Ridge Estates, Phase Four) being a residential replat of Lots 1-6, Block 1, Lot 1, Block 2, Lots 1 and 2, Block 3, Lot 1, Block 4, Coper Ridge Estates, Phase Three and 15.204 acres out of the W. H. Cole Survey, Abstract No. 200. The property is located south of Coper Ridge Estates Phase Two, Killeen, Texas [13-069R].

The developer changed the lot configuration and added unplatted land into the subdivision. It now contains sixty-nine lots and extends five local streets that were platted in a previous phase. The Planning and Zoning Commission recommended approval of the replat.

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

Councilmember Gilmore moved to approve the plat, seconded by Councilmember Foster. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider a plat submitted by Barnes Independent Developers GP, L.L.C. (Case #13-011RRS: Eagle Valley, Phase II) being a replat of approximately 9.478 acres, part of the W. L. Harris Survey, Abstract No. 1155, and a residential replat of Lots 21 – 46 and Lots 58 – 62, Block 1, Lots 1 -12 and Lots 16 – 18, Block 2, Lot 1, Block 3, and Lots 34 -37, Block 4, Eagle Valley Addition. The property is located south of W. Stan Schlueter Loop, Killeen, Texas [13-070R].

This residential replat consists of three blocks, sixty-nine lots, and two drainage tract blocks, and is zoned single-family residential. The Planning and Zoning Commission recommended approval of the replat.

Mayor Pro-Tem Blackstone opened the public hearing. Colette Marshall appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Foster moved to approve the plat, seconded by Councilmember Okray. The motion was approved unanimously.

PH-4 **A. HOLD** a public hearing and consider a request to change the Comprehensive Plan Future Land Use Map from General Residential to Multi-family Residential for approximately 4.004 acres located along the south right-of-way of Janelle Drive, approximately 920 feet east of the t-intersection of Clear Creek Road.

B. HOLD a public hearing and consider an ordinance requested by House Cross Associates, LTD (Case #Z13-18) to rezone Lot 1, Block 1, Elms Creek Addition, Phase Two from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District). The property is located on Janelle Drive east of Clear Creek Road and is locally known as 5100 Janelle Drive, Killeen, Texas.

The captions of the ordinances were read as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' TO 'MULTIFAMILY RESIDENTIAL' FOR APPROXIMATELY 4.004 ACRES OF LAND LOCATED ALONG THE SOUTH RIGHT-OF-WAY OF JANELLE DRIVE, APPROXIMATELY 920 FEET EAST OF CLEAR CREEK ROAD (S.H. 201), KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

This request to change the land use map from General Residential to Multifamily Residential would allow development for multifamily apartments instead of duplex development, and staff noted a lack of multifamily in this area. The Planning and Zoning Commission recommended approval of the request. The rezoning request to rezone from B-3 to R-3A is consistent with the requested change of the FLUM. There was no response to the two letters of notification, and the Planning and Zoning Commission recommended approval of the rezoning request. A planned unit development is not requested or required due to the lot size and number of units.

Mayor Pro-Tem Blackstone opened the public hearing. Shane Turner, 7609 Woodway Drive, Woodway, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Gilmore moved to approve the ordinances [13,049, 13-050], seconded by Councilmember Foster. The motion was approved unanimously.

PH-5 **HOLD** a public hearing and consider an ordinance requested by WBW Land Investment, LP (Case #Z13-23) to rezone approximately 2.904 acres part of the J. E. Madera Survey, Abstract No. 600, T. Arnold Survey, Abstract No. 55 and the J. H. Lewis Survey, Abstract No. 1171, from 'A' (Agricultural District) to R-1 (Single-family Residential District). The property is located on the east right-of-way of Clear Creek Road approximately 0.5 miles south of Mohawk 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 (AGRICULTURAL) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

When this property was annexed into the city, this tract of land was not included in the rezoning and remains agricultural. This will be part of The Landing at Clear Creek, and the rezoning is consistent with the land use map. There was no response to the eight letters of notification, and the Planning and Zoning Commission recommended approval of the request.

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

Councilmember Okray moved to approve the ordinance [13-051], seconded by Councilmember Gilmore. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider a memorandum/resolution [13-071R] appointing Councilmembers to various boards and commissions.

Central Texas Council of Governments: Elizabeth Blackstone will replace Michael Lower.

Transportation Planning Committee (K-T MPO): Elizabeth Blackstone will replace Michael Lower.

Board of Directors, Killeen Sister City Committee: Steve Harris will replace Michael Lower.

Bell County Board of Health: Steve Harris will replace Michael Lower.

Board of Adjustments & Appeals – Construction: Steve Harris will replace Michael Lower.

Board of Adjustments & Appeals – Airport Zoning: Steve Harris will replace Michael Lower.

Councilmember Foster moved to approve the above appointments, seconded by Councilmember Okray. The motion was unanimously approved.

OR-2 Consider a memorandum/resolution [13-072R] appointing members to various boards and commissions.

Arts Commission: Jennifer Hetzel to replace Dr. Ann Farris and Tony Cleaver to replace Eric Shephard.

Board of Adjustments and Appeals (Construction Board): Tracy Archer to replace Gregory Garrett and Eugene Kim to replace Chester W. Southworth, Sr.

Killeen Volunteers, Inc.: Larry Egly to replace JoAnn Purser.

Councilmember Foster moved to approve the above appointments, seconded by Councilmember Clark. The motion was unanimously approved.

OR-3 Consider an ordinance approving and adopting a Rate Review Mechanism Tariff for Atmos Energy Corporation, Mid-Tex Division.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW

MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL.

A rate review mechanism (RRM) was approved in 2007 to review rate increase requests from Atmos Energy, and it expired in 2011. Atmos filed a complete rate case in 2012 and was approved by the Railroad Commission in December 2012. Atmos and Atmos Cities Steering Committee (ACSC), a group of approximately 150 cities served by Atmos and of which the City of Killeen is a member, reached a tentative agreement for a revised RRM tariff. As part of the agreement, there will be no residential customer charge increases for the first year, and no more than \$0.50 per month in any subsequent RRM period.

Councilmember Okray moved to approve the ordinance [13-052], seconded by Councilmember Harris. The motion was approved unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Clark, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 5:54 p.m.

Elizabeth Blackstone, Mayor Pro-Tem

Paula Miller, City Secretary