

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
February 12, 2013  
5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Michael Lower, Councilmembers Elizabeth Blackstone, 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 Troy Fulgham

Tardy: Councilmember Terry Clark

Mayor Corbin 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 Blackstone. The motion was approved 6-0.

Councilmember Clark entered the meeting at this time.

**Presentations**

PR-1 Introduce Texas Department of Transportation Waco District Engineer and Receive Update on US Hwy190 Project

Bobby G. Littlefield, Jr., the new Waco District Engineer, introduced Andy Petters and Kevin Dickey, also with the District. Mr. Dickey presented an overview of the U.S. 190 corridor from Copperas Cove through Killeen.

**Consent Agenda**

CA-1 Consider minutes of Regular City Council Meeting of January 22, 2013.

CA-2 Consider a memorandum/resolution [13-013R] authorizing the City Manager to execute an Interlocal Agreement with the Killeen Independent School District and Central Texas College District for election services.

This is the annual contract with KISD and CTC to share expenses and resources involved with the election.

CA-3 Consider a memorandum/resolution [13-014R] authorizing the award of construction contract Bid No. 13-03 for Bending Trail drainage improvements phase 2 to McLean Construction, Inc.

There were nine bids submitted on this project, and staff recommends awarding the bid to the lowest responsible bidder, McLean Construction, in the amount of \$335,000.20.

CA-4 Consider a memorandum/resolution [13-015R] authorizing the sale of real property located at 1105.5 North 18<sup>th</sup> Street.

The City Council authorized staff to advertise this property for sale, and one bid was submitted in the amount of \$3,500.00. Staff recommends sale of the property to Jane Kim.

CA-5 Consider a memorandum/resolution [13-016R] approving procurement of service truck with crane and valve exerciser through Texas Buy Board for the Water Distribution Division.

\$155,319.00 has been budgeted for replacement of this thirteen-year-old service truck, and a new one can be purchased for \$150,444.82, leaving a balance of approximately \$5,000.

CA-6 Consider a memorandum/resolution [13-017R] establishing a November 5, 2009 Memorial Project Ad Hoc committee.

Committee members are: Timothy Hancock, Chair; Ralph Cossey, Don Farek, Joleen Cahill, Fred Latham, Otis Evans, Dick Young, Brockley Moore, and Brian Vanicek.

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

### **Public Hearings / Ordinances**

PH-1 **HOLD** a public hearing and consider an ordinance as requested by Yeon Ok Lee (Case #Z12-50) to rezone Lot 1, Block 1, Lee Plaza from B-5 (Business District) to B-C-1 (General Business and Alcohol Sales District) for on premises sale and consumption of alcoholic beverages. The property known as R&B Karaoke and Heavenly Cafe located at 410 East Avenue A, Killeen Texas.

Citing a conflict of interest since the applicant has been a client of his law firm for many years, Mayor Corbin stepped down from the dais, and Mayor Pro-Tem Lower assumed the chair.

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 B-C-1 (GENERAL BUSINESS 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 on-premises consumption of alcoholic beverages in the entire building, not just the portion of R&B Karaoke currently covered by a SUP. There were two letters in opposition and one in support returned in response to the 240 letters of notification. The building is more than 300 feet from the closest church-owned property. A check with the Police Department indicated no calls for this property have occurred since 2011. The Planning and Zoning Commission recommended approval of the request for the footprint of the building only.

Mayor Pro-Tem Lower opened the public hearing. James Stapler, Corbin & Associates, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Gilmore moved to approve the ordinance [13-012], seconded by Councilmember Segarra. The motion was approved 6-0.

Mayor Corbin returned to Council deliberations.

### **Ordinances / Resolutions**

OR-1 Consider an ordinance ordering a Charter amendment election on May 11, 2013.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY PROPOSED AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; DESIGNATING THE POLLING PLACES AND NAMING THE ELECTION JUDGES AND ALTERNATE JUDGES OF EACH OF THE POLLING PLACES; PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF SAID ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING AN OPEN MEETINGS CLAUSE.

Deputy City Attorney Traci Briggs advised the City Council has reviewed the charter over the past several months, and several public hearings have been held. The only change since the last meeting was to clarify Proposition 8 so that an Assistant City Manager would only be authorized to countersign checks in the event the City Manager was also Finance Director.

Mayor Pro-Tem Lower moved to approve the ordinance [13-013], seconded by Councilmember Blackstone. The motion was approved 6-1 (Councilmember Clark in opposition).

**Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Lower, seconded by Councilmember Gilmore, and unanimously approved, the meeting was adjourned at 5:27 p.m. into a workshop session.

---

Daniel A. Corbin, Mayor

---

Paula Miller, City Secretary