

City of Killeen
Special City Council Meeting
Utility Collections Conference Room
March 5, 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, and City Secretary Paula Miller

Approval of Agenda

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

Agenda Items

SP-1 Consider an ordinance authorizing the creation of Bell County Municipal District No. 2 and entering into a Consent and Development Agreement affecting the same.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN CONSENTING TO AND AUTHORIZING THE CREATION OF BELL COUNTY MUNICIPAL DISTRICT NO. 2 SUBJECT TO THE TERMS AND CONDITIONS OF A CONSENT AND DEVELOPMENT AGREEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The proposed district is outside the city limits along Chaparral, consisting of 13, 373 acres and is planned for 4,500 residential units. Staff has been in negotiation with the developer in accordance with directions received from the City Council. Three versions are presented for consideration. Attachment A is the proposed agreement with changes requested by the City and the developer. Attachment B is the agreement with requested changes to the version considered by Council on February 26, and Attachment C compares the changes between A and B. Deputy City Attorney Scott Osborn then went over various sections of the document where there were still outstanding issues.

If the district is created through the legislature, the bill will be in substantially the same form as the legislature's template bill for MUD creations.

Section 2.03 provides various provisions relating to eventual annexation, including the consent to the annexation by heirs in title and notice to potential buyers of the existence of the district and possible annexation.

Section 3.01 is revised to provide the City has flexibility in choosing methods for securing a CCN, as additional methods may be more cost-effective.

Section 3.03 provides the City is not obligated to provide fire flow volume in excess of the 1,554 single-family units until the sixth year of the consent agreement, giving the City time to make provisions for improvements to Chaparral Road.

Section 3.08 provides that water and wastewater facility conveyance and acceptance will track the way the City currently accepts infrastructure for perpetual maintenance.

Section 3.09 had been added by the city's outside legal counsel relating to environmental liability, and the developer deleted this provision. The risk is considered minimal.

Section 4.01 was revised to provide that Design Standards will be incorporated into the restrictive covenants that will be applicable to users of the property, and it identifies the City as a thirty-party beneficiary.

Sections 4.04(b) relates to Chaparral Road improvements and includes adding a minimum timeline for construction of improvements to at least six years and adding a provision that the developer will dedicate additional right-of-way along the northern boundary if required by the City. It increases the maximum right-of-way from ninety feet to one hundred feet.

Section 4.04(c) relates to Trimmier Road improvements and provides that if an engineer determines four lanes of traffic are not necessary the entire length of the development, the developer will dedicate additional right of way at no cost to the City.

Article 5 was proposed to be changed to provide additional City control and oversight on the district's bonds, and the developer struck through these revisions. After additional discussion, however, a new section 5.5 details additional constraints on the bonds which will enable the City to determine what obligations the City will need to assume if annexation is considered.

Exhibit B, Design Standards, clarifies side yard setbacks and the residential lot limitation table.

Exhibit C, Drainage Design Standards, has been revised based on discussions between the developer and Environmental Services.

Exhibit E-7 of the Roadway Plan reflects a thirty-two foot back-of-curb to back-of-curb cross section, and minimum cross section of thirty-six feet shall extend from arterials and boulevards for at least two hundred feet or until the connecting roadway terminates at an intersection.

Mayor Corbin suggested the Council first consider disapproval of the ordinance. If that motion failed, the next motion should be approval of the ordinance. Following approval of the ordinance, the Council could then consider amendments to the agreement as the Council determined would be best.

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Councilmember Foster moved to disapprove the ordinance, seconded by Councilmember Clark. The motion was approved 4-3 (Mayor Pro-Tem Lower and Councilmembers Gilmore and Segarra in opposition).

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Lower, seconded by Councilmember Segarra, and unanimously approved, the meeting was adjourned at 5:26 p.m.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary