

City of Killeen
Regular City Council Meeting
Killeen City Hall
February 24, 2009
6:00 p.m.

Presiding: Mayor Timothy L. Hancock

Attending: Mayor Pro-Tem Fred Latham and Councilmembers Larry Cole, Scott Cosper, Otis Evans, Juan Rivera, Kenny Wells, and Billy Workman

Also attending were City Manager Connie Green, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms Sam Ellis

Councilmember Evans gave the invocation, and Councilmember Cole led everyone in the pledge of allegiance.

Approval of Agenda

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

Presentations

PR-1 Presentation - Quarterly Police Briefing

Chief of Police Dennis Baldwin presented the department's quarterly briefing. Crime statistics for 2008 show an improvement from 2007, and efforts among the department, citizens, and the City Council are having an effect.

Consent Agenda

- CA-1 Consider minutes of Regular City Council Meeting of February 10, 2009.
- CA-2 Consider a memorandum/resolution [09-025R] authorizing an interlocal agreement with the Killeen Independent School District and Central Texas College for election services.
- CA-3 Consider a memorandum/resolution [09-026R] approving procurement of one pavement paint marking vehicle through the HGAC State Cooperative for the Street Division.
- CA-4 Consider a memorandum/resolution [09-027R] approving procurement of tires and tubes through various State Cooperatives.
- CA-5 Consider a memorandum/resolution [09-028R] approving the Quarterly Investment Report.
- CA-9 Consider a memorandum/resolution [09-029R] authorizing the City Manager to enter into an agreement with Freese and Nichols Inc., for professional engineering services for the design and contract administration of the SH 195/West Stagecoach/Reese Creek Waterline Project.
- CA-11 Consider a memorandum/resolution [09-030R] authorizing a funding request for a new services route the "Connector" for service between transit divisions.

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

- CA-6 Consider a memorandum/resolution [09-031R] accepting the donation of land by WF, L.C. to the City for recreational uses and a hike and bike system, and authorizing the City Manager to carry out the transaction.
- CA-7 Consider a memorandum/resolution [09-030R] accepting the donation of land by Windfield Group, LTD. to the City for recreational uses and a hike and bike system, and authorizing the City Manager to carry out the transaction.
- CA-8 Consider a memorandum/resolution [09-031R] accepting the donation of land by Killeen Thunder Creek, LTD. to the City for recreational uses and a hike and bike system, and authorizing the City Manager to carry out the transaction.

Assistant City Manager Glenn Morrison advised three developers were willing to donate approximately seventy-one acres for the next community park that will include a hike and bike trail on property off Watercrest Road.

Councilmember Cole moved to approve all three resolutions, seconded by Mayor Pro-Tem Latham. The motion was unanimously approved.

- CA-10 Consider a memorandum/resolution [09-033R] approving the appointment of the Director of Community Services.

City Manager Green said forty applications had been received for the position of Director of Community Services, and he was pleased to present Jonathan Watson for the position. Mr. Watson has years of parks and recreation experience with the Department of Defense and YMCA.

Councilmember Wells moved to approve the appointment, seconded by Councilmember Rivera. The motion was unanimously approved.

Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider a request by Barr Physical Therapy, P.C., (Case #09-001RS: Kidz Therapeze Addition) for a plat of approximately 1.344 acre, being part of the W. H. Cole Survey, Abstract No. 201 and being a replat of Lot 1, Block 1, Clayton Winkler Addition, for property locally known as 1102 Winkler Avenue, Killeen, Texas.

This replat is submitted to allow the applicant to apply for building permits. The plat meets all development regulations, and the Planning and Zoning Commission voted unanimously to approve the plat.

Mayor Hancock opened the public hearing. Kelly Barr, 605 Donnie, appeared in support of the plat. With no one else appearing, the public hearing was closed.

Mayor Pro-Tem Latham moved to approve the plat, seconded by Councilmember Workman. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance as requested by Lonny Gordon and Wayne Whisenhunt (Case #Z09-02) to rezone approximately 0.315 acre, being part of the H. McClung Survey, Abstract No. 570 from B-5 (Business District) with an SUP (Specific Use Permit) for on premises sale and consumption of alcohol to B-5 (Business District) with an SUP (Specific Use Permit) for on premises sale and consumption of alcohol, the property is locally known as 704-B E. Veteran's Memorial Boulevard, 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 B-5 (BUSINESS DISTRICT) WITH SUP (SPECIFIC USE PERMIT) TO B-5 (BUSINESS DISTRICT) WITH SUP (SPECIFIC USE PERMIT) FOR ON PREMISES ALCOHOL SALES AND CONSUMPTION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This request is a renewal of a Specific Use Permit granted on August 12, 2008, to allow serving alcohol with a TABC permit on premises. The Planning and Zoning Commission voted to approve the request with the following conditions: for a term of three years; SUP applies only to the footprint of the building to include the patio area; for the sale of beer and wine only; a closing time of 1:00 a.m. seven days a week; an employee designated for security and clean up; no outdoor music of any kind; traffic is not to impede local residents; and the establishment must comply with the City's noise ordinance currently in existence.

Mayor Hancock opened the public hearing. David McBride, 707 Kate Street, Copperas Cove, appeared in support of the application. With no one else appearing, the public hearing was closed.

Councilmember Workman moved to approve the ordinance [09-010] with the conditions set by the Commission, seconded by Councilmember Rivera. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider an ordinance as requested by the City of Killeen (Case #Z09-03) to rezone approximately 408.29 acres, being part of the R. A. McGee Survey, Abstract No. 561, part of G. B. Patton Survey, Abstract No. 1169 and part of Baker and Vickery Survey, Abstract No. 1204, from A (Agricultural District) to M-1 (Manufacturing District) for the current and future utilization of the City's property for municipal solid waste processing purposes, the property located on the east side of SH 195 approximately 3,000 feet south of Chaparral Road, 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 DISTRICT) TO M-1 (MANUFACTURING DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted on property owned by the City of Killeen and was annexed into the city on June 10, 2008. The site contains the site of the waste transfer station and the prospective ZEROS plant. The property, upon annexation, was designated as agricultural because of deficiencies in notification. There was no response to the two letters of notification, and the Planning and Zoning Commission voted 7-0 to recommend approval of the request. The City will comply with any screening requirements.

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

Councilmember Workman moved to approve the ordinance [09-011], seconded by Mayor Pro-Tem Latham. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider an ordinance amending the 2008-2009 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenues and expenses in the various civic and conference center accounts.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2008-2009 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE CIVIC AND CONFERENCE CENTER TAKE 190 WEST EXPENDITURE ACCOUNTS AND VARIOUS TAKE 190 WEST REVENUE ACCOUNTS; 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 \$3,000 and \$1,500 grant, and this amendment is necessary to update the revenue and expense accounts.

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

Mayor Pro-Tem Latham moved to approve the ordinance [09-012], seconded by Councilmember Rivera. The motion was approved unanimously.

PH-5 **HOLD** a public hearing and consider an ordinance amending the 2008-2009 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenues and expenses in the various downtown revitalization accounts.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2008-2009 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND (COMMUNITY DEVELOPMENT/DOWNTOWN REVITALIZATION) PROFESSIONAL SERVICES EXPENDITURE ACCOUNT (010-3052-426-44-20) AND THE GRANT MISC RECEIPTS REVENUE ACCOUNT (010-0000-382-30-00) BY \$3,000 EACH; 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 \$3,000 grant from the National Trust for Historic Preservation, and the revenue and expenditure accounts must be amended to reflect that amount.

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

Councilmember Evans moved to approve the ordinance [09-013], seconded by Councilmember Cosper. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 32 Municipal Drainage Utility System.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 32, TITLED MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The Texas Legislature recodified and renumbered Local Government Code Section 402, as Section 552, and the section is effective April 1, 2009. This code amendment simply changes the references in Chapter 32 of the Code of Ordinances.

Mayor Pro-Tem Latham moved to approve the ordinance [09-014], seconded by Councilmember Wells. The motion was approved unanimously.

OR-2 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 11, adopting new fire code provisions and creating a false fire alarm ordinance.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN TEXAS; ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND AMENDMENTS; ADDING ARTICLE VII FALSE FIRE ALARMS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This code amendment will adopt the 2006 International Fire Code as well as adopt a false fire alarm ordinance. There will be no charge for the first two false fire alarms in a six-month period; however, the third and fourth such alarms will result in a fine of \$100 each. The fifth through tenth false alarms will have a fine of \$200 each, and the eleventh and subsequent false alarm will receive a fine of \$500 each. The amendment will become effective on April 1, 2009.

Councilmember Rivera moved to approve the ordinance [09-015], seconded by Councilmember Wells. The motion was approved unanimously.

OR-3 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 8, adopting new construction codes.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, BY AMENDING ARTICLES I THROUGH V, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONSTRUCTION AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES; ADOPTING THE AMENDED 2006 INTERNATIONAL CONSTRUCTION CODES AND THE 2008 NATIONAL ELECTRIC CODE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

This code amendment will adopt the 2006 International Building Codes and the 2008 National Electric Codes and will be effective April 1, 2009. The staff has met with the Construction Board and the Homebuilders Association to acquaint them with the changes.

Councilmember Workman moved to approve the ordinance [09-016], seconded by Councilmember Evans. The motion was approved unanimously.

Citizens Petitions and Information

CP-1 Clint Hocker (4508 Tanglewood Cir) - Ordinance Chapter 28 - Parking on all Weather Surface

Mr. Hocker did not appear.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Latham, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:51 p.m.

Timothy L. Hancock, Mayor

Paula Miller, City Secretary