

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 10, 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 David Orr

Councilmember Evans gave the invocation, and Mayor Pro-Tem Latham led everyone in the pledge of allegiance.

Approval of Agenda

Mayor Pro-Tem Latham moved to approve the agenda as written with the deletion of CA-9, seconded by Councilmember Evans. The motion was unanimously approved.

Presentations

PR-1 Presentation-Immigration Assistance Program

Asta Bilderback of Catholic Charities presented the City Council with information on the services that organization provides to assist immigrants become citizens.

PR-2 Proclamation – Severe Weather Awareness Month

Mayor Hancock read a proclamation declaring March as Severe Weather Awareness Month and presented it to Emergency Management Coordinator Chad Berg.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of February 24, 2009.

CA-2 Consider a memorandum/resolution [09-035R] rescheduling the Regular City Council meeting of March 24, 2009.

CA-3 Consider a memorandum/resolution [09-036R] awarding water and sewer/parks and recreation chemicals (Bid No. 09-10).

CA-6 Consider a memorandum/resolution [09-037R] amending the Purchasing Policy for the City of Killeen.

CA-7 Consider a request by Ronald Esposito (Case #09-002FS: Sophie Obregon Addition) for a final plat of approximately 2.723 acres, being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the north right-of-way of Stagecoach Road extending to the south right-of-way of Grove Drive, approximately 389 feet west of Onion Road. The property is locally known as 3541 Stagecoach Road, Killeen, Texas.

- CA-8 Consider a request by Neva Wolf and Curtis Wolf (Case #09-003FS: Neva Wolf Addition) for a plat of approximately 4.230 acres, being part of the Moses T. Martin Survey, Abstract No. 963. The property is located approximately 4,500 feet south of Stagecoach Road on the east side of S. Fort Hood Street (SH 195), Killeen, Texas.
- CA-10 Consider a memorandum/resolution [09-038R] approving fire marshal's office to use unmarked vehicles for the purpose of performing official duties.

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

- CA-4 Consider a memorandum/resolution [09-039R] awarding proposal for solid waste and wastewater cost of service and rate design study to Pros Consulting.

Requests for proposals for a study of the solid waste, water, and wastewater cost of services and rate design study were advertised, resulting in three proposals. After an evaluation of the proposals, staff recommends Pros Consulting at a cost of \$29,688.

Councilmember Workman moved to approve the resolution [09-039R], seconded by Councilmember Rivera. The motion was approved unanimously.

- CA-5 Consider a memorandum/resolution [09-040R] adopting the Parks and Recreation Master Plan.

The Parks and Recreation Master Plan outlines projects to improve and enhance the quality of life for Killeen citizens. Included are renovations to existing facilities as well as long-range plans and goals.

Councilmember Workman moved to approve the resolution [09-040R], seconded by Councilmember Rivera. The motion was approved unanimously.

- CA-11 Consider a memorandum/resolution [09-041R] readopting tax abatement eligibility and adoption of guidelines and criteria for tax abatements.

The City has adopted guidelines for tax abatement since 1996, and the guidelines must be readopted every two years. The criteria sets forth standards the City will use to determine what percentage of tax abatement will be offered and how to arrive at the percentage.

Councilmember Workman moved to approve the resolution [09-041R], seconded by Mayor Pro-Tem Latham. The motion was approved unanimously.

- CA-9 ~~Consider a memorandum/resolution dissolving the Ad Hoc Land Use/Development Committee. (Withdrawn by staff)~~

This item was deleted from the agenda.

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider a request by Clear Creek Road, Ltd, NSW Holdings, LC (Case #08-070RS: NSW Clear Creek Addition) for a plat of approximately 11.86 acres, being part of the Thomas Robinett Survey, Abstract No. 686. The property is located on the east right-of-way of Clear Creek Road (SH 201), approximately 1,620 feet south of Watercrest Road, Killeen, Texas.

This plat is submitted on property zoned B-5 and is planned for commercial development. The plat complies with the City's development regulations, and the Planning and Zoning Commission voted unanimously to recommend approval of the plat.

Mayor Hancock opened the public hearing. Wallace Vernon, 315 Buggy Road, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Workman moved to approve the plat, seconded by Councilmember Evans. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider a request for an ordinance by Dhaliwal Enterprises, Inc., d/b/a Holiday Inn (Case #Z09-04) to rezone Lot 2, Block 1, Elite Hospitality Development Addition from B-5 (Business District) to B-5 (Business District) and B-C-1 (General Business and Alcohol Sales District). The property is locally known as 300 E Central Texas Expressway, 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) TO B-5 WITH 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 property was acquired by Dhaliwal Enterprises in 2007, and the company obtained a permit from the TABC for the sale of alcohol; however, the company was not aware it also needed to obtain the proper zoning from the City. This application is for B-C-1 to continue to sell alcohol in the footprint of the building, including any existing patio or open deck seating areas. There were 153 notifications mailed within a 1,000 notification area, and three letters of no objection were received. The Planning and Zoning Commission voted unanimously to recommend approval of the request.

Mayor Hancock opened the public hearing.

Gurgot Dhaliwal, 300 E. Central Texas Expressway, appeared in support of the request. He advised that should any complaints of loud music from the outside patio area be received, the music will be turned off and the situation addressed.

Thomas A. Bell, 601 Bellaire, appeared in opposition, and said he was against the sale of alcohol anywhere in the area since Bellaire is already congested with vehicles attempting to avoid other major intersections.

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

Mayor Pro-Tem Latham moved to approve the ordinance [09-017], seconded by Councilmember Rivera. The motion was approved 6-1 (Councilmember Workman in opposition).

PH-3 A. **HOLD** a public hearing and consider a request by Neva Wolf and Curtis Wolf to revise the State Highway 195/State Highway 201 Land Use Plan to change 2 acres of existing commercially designated area to residentially designated area, for property being part of the Moses T. Martin Survey, Abstract No. 963. The property is located approximately 4,500 feet south of Stagecoach Road on the east side of S. Fort Hood Street (SH 195), Killeen, Texas.

B. Consider a request for an ordinance by Neva Wolf and Curtis Wolf (Case #Z09-05) to rezone approximately 4.230 acres, being part of the Moses T. Martin Survey, Abstract No. 963 from UOD (University Overlay District) to UOD (University Overlay District) with SUP (Specific Use Permit) for single family residential use. The property is located approximately 4,500 feet south of Stagecoach Road on the east side of S. Fort Hood Street (SH 195), Killeen, Texas.

The captions of the ordinances were read as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN FOR THE DEVELOPMENT OF LAND LOCATED ALONG THE STATE HIGHWAY 195 CORRIDOR; INCREASING THE AMOUNT OF AREA DESIGNATED FOR RESIDENTIAL USE BY APPROXIMATELY 2 ACRES WITHIN THE PLAN BOUNDARY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; 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 UOD (UNIVERSITY OVERLAY DISTRICT) TO UOD WITH SUP (SPECIFIC USE PERMIT) TO ALLOW FOR A RESIDENTIAL HOME AND ACCESSORY STRUCTURE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This is an application to amend the land use plan for SH 195 and to change the zoning to University Overlay District with a specific use permit to allow for a single-family home and barn on approximately two acres, reserving the frontage along SH 195 as commercial. The Planning and Zoning Commission recommended approval of both requests.

Mayor Hancock opened the public hearing. Ann Farris, 13682 Maxdale Road, appeared in support of the request. With no one else appearing, the public hearing was closed.

Mayor Pro-Tem Latham moved to approve the ordinances [09-018, 09-019], seconded by Councilmember Wells. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 6-Animals, relating to redemption procedures and breeder licenses.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 6 “ANIMALS” OF THE CITY OF KILLEEN CODE OF ORDINANCES BY AMENDING VARIOUS SECTIONS IN ARTICLE II “ANIMAL CONTROL” AND ARTICLE III “ANIMAL VENDORS AND OTHER COMMERCIAL ACTIVITIES;” PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This ordinance amends the animal ordinance in two areas. The first change provides for redemption fees and procedures for an owner to reclaim an impounded animal. Once the animal has been impounded twice within thirty days, the owner will have to provide proof that the animal has been sterilized. The second change relates to a breeder’s license and will limit the permit to once per year per animal. It will also allow Animal Control to inspect the premises.

Councilmember Cole moved to approve the ordinance [09-020], seconded by Councilmember Wells. The motion was approved unanimously.

OR-2 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 2- Administration, regarding Animal Control fees.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 2, ENTITLED FEES, OF THE CITY OF KILLEEN CODE OF ORDINANCES BY AMENDING ARTICLE VI, ENTITLED ADMINISTRATION, BY AMENDING ANIMAL CONTROL FEES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

These fee changes have been recommended by the Animal Advisory Committee. It establishes a fee of \$5.00 for a sterilized animal and \$10.00 for an animal not sterilized. The boarding fee is increased to \$6.00 per day. A breeder license will cost \$50.00 per litter, establishes a disposal fee for dead animals, and adds a fee for microchipping.

Councilmember Cole moved to approve the ordinance [09-021], seconded by Councilmember Rivera. The motion was approved unanimously.

OR-3 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 2-Administration, regarding the Lions Club Park fee structure, and adopting a fee plan for the Lions Club Park Family Aquatics Center.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY AMENDING SECTION 2-150(j) PARK FEES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This ordinance will establish fees for the new Lions Club Park Family Aquatics Center. Fees for similar facilities in surrounding communities were compared. Military families will receive the same rate as residents of Killeen. Councilmember Workman believed the rates were too high and could prevent some people from participating. Assistant City Manager Glenn Morrison pointed out that the cost of operation would be significant, and this was an attempt to alleviate the impact on the budget. City Manager Green advised operating expenses of the City's facilities need to be met; otherwise, the Council could be forced to increase taxes. Even with the rates proposed, the facility will not break even. Assistant City Manager Morrison pointed out that the City has sponsors who provide funds to assist those who cannot afford the full price.

Councilmember Rivera moved to approve the ordinance [09-022], seconded by Councilmember Wells. The motion was approved 6-1 (Councilmember Workman in opposition).

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 7:10 p.m.

Timothy L. Hancock, Mayor

Paula Miller, City Secretary