

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 17, 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, Deputy City Attorney Traci Briggs, City Secretary Paula Miller, and Sergeant-at-Arms Sam Ellis

Councilmember Evans gave the invocation, and Councilmember Wells 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 Proclamation - Don't Mess with Texas Trash-Off

Mayor Hancock read a proclamation declaring April 4 as Don't Mess with Texas Trash-Off and presented it to Robin Dehart.

PR-2 Presentation - Central Texas Fallen Hero Memorial

Jack St. John and Lupe Lopez briefed the City Council on events planned for Memorial Day at the Veterans Cemetery.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of March 10, 2009.

CA-2 Consider a memorandum/resolution [09-042R] approving a professional services contract with Jacobs Engineering for design of taxiway "E" reconstruction at Robert Gray Army Airfield.

CA-4 Consider a memorandum/resolution [09-043R] approving the annual audit for the fiscal year ended September 30, 2008.

CA-5 Consider a memorandum/resolution [09-044R] approving a grant agreement with the Texas Department of Transportation for STEP grant funds up to the amount of \$52,331.23.

CA-6 Consider a request by Sandra L. Skinner (Case #09-005FS: Skinner Estate) for a final plat of approximately 9.223 acres, being part of the Robert Cunningham Survey, Abstract No. 199, for property locally known as 5221 Onion Road, Killeen, Texas.

- CA-7 Consider a memorandum/resolution [09-045R] ratifying the purchase of an investment transaction security (\$28,000,000).
- CA-9 Consider a memorandum/resolution [09-046R] authorizing a sister cities agreement between Bayamon, Puerto Rico and Killeen, Texas.

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

- CA-3 Consider a memorandum/resolution awarding Bid No. 09-06 for Killeen Fire Department uniforms.

Mayor Pro-Tem Latham expressed concern that there was only one bidder on this item. Director of General Services Brenda Essenburg advised staff believed the bid was reasonable.

Councilmember Evans moved to approve the resolution [09-047R], seconded by Councilmember Rivera. The motion was approved 4-3 (Mayor Pro-Tem Latham and Councilmembers Cole and Wells in opposition).

- CA-8 Consider a memorandum/resolution authorizing the execution of Change Order No. 10 (closeout) for the construction of the Cody Poe/Elms/Edgefield/ Robinett Road project.

Citing a conflict of interest, Mayor Pro-Tem Latham stepped down from Council deliberations.

Councilmember Cole moved to approve the resolution [09-048R], seconded by Councilmember Rivera. The total amount of change orders on this now-completed project amounted to a 3.19% increase. The motion was approved 6-0.

Mayor Pro-Tem Latham returned to the Council dais.

Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider a request for an ordinance submitted by Dallas L. Jr. and Hazel M. Adams (Case #Z09-06) to rezone approximately 4.632 acres, being part of the Thomas Arnold Survey, Abstract No. 55 from R-1 (Single-Family Residential District) and A (Agricultural District) to B-4 (Business District) for property locally known as 7600 S. Clear Creek 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 R-1 (SINGLE FAMILY RESIDENTIAL) AND A (AGRICULTURAL DISTRICT) TO B-4 (BUSINESS DISTRICT); PROVIDING A

**SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE.**

This rezoning request for B-4 zoning is submitted to allow for development of a commercial parking lot. The property is located within the SH 201 Land Use Plan and projected for commercial development; therefore, the request is consistent with the Land Use Plan. There was no response to the five letters of notification, and the Planning and Zoning Commission voted unanimously to recommend approval of the request. The location is directly across from the airport, and the effect on traffic will be negligible. The lot is primarily targeted at soldiers on long-term deployment.

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

Mayor Pro-Tem Latham moved to approve the ordinance [09-023], seconded by Councilmember Wells. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance amending Chapter 31, Article III, Section 31-121 of the Code of Ordinances of the City of Killeen, Texas; amending Article IV, to add Division 17, Historic Overlay District and renumbering Divisions 17 through 21; providing for the repeal of conflicting provisions; providing a savings clause; providing a severability clause; and providing for publication and effective date.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 31, ARTICLE III, SECTION 31-121 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS; AMENDING ARTICLE IV, TO ADD DIVISION 17, HISTORIC OVERLAY DISTRICT AND RENUMBERING DIVISIONS 17 THROUGH 21; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

The Historic Preservation ordinance was passed in June 2008, and a study identified a district for the local designation. The Downtown Partnership Committee recommended adoption of the Historic Overlay District ordinance, and on February 26, the Heritage Preservation Board conducted two public hearings, following which the Board unanimously recommended approval of the proposed district as a Historic Overlay District. The Planning and Zoning Commission conducted a public hearing and unanimously recommended the district. The district will provide standards for things such as height and area regulations, setback regulations, sign regulations and guidelines, window signs and display regulations, and design compliance review for development and alterations.

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

Councilmember Workman moved to approve the ordinance [09-024], seconded by Councilmember Rivera. The motion was approved unanimously.

Ordinances / Resolutions

OR-1 Consider a memorandum/resolution [09-049R] declaring vacancies in the Killeen Volunteers Inc. Youth Advisory Commission and appointing new members.

Councilmember Wells moved to declare vacancies on the Youth Advisory Commission and appoint Morgan Munera to replace Taylor Bates, and to appoint Calvin Johnson and Philip Smith to vacant positions. Councilmember Rivera seconded the motion, and it was approved unanimously.

OR-2 Consider a memorandum/resolution [09-050R] declaring a vacancy on the Killeen Volunteers Inc. Board and appoint a new member.

Councilmember Evans moved to appoint Joy Thomas to fill the vacant position, seconded by Councilmember Cosper. The motion was approved unanimously.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Latham, seconded by Councilmember Wells, and unanimously approved, the meeting was adjourned at 6:35 p.m.

Timothy L. Hancock, Mayor

Paula Miller, City Secretary