

City of Killeen
Regular City Council Meeting
Killeen City Hall
April 28, 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 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 Proclamation - Sexual Assault Awareness Month

Mayor Hancock read a proclamation declaring April as Sexual Assault Awareness Month and presented it to Suzanne Armour.

PR-2 Proclamation - National Safe Kids Week

Mayor Hancock read a proclamation declaring April 26-May 4 as National Safe Kids Week.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of April 14, 2009.

CA-2 Consider a City/Owner Agreement-in-Principal for construction of a water transmission main in association with the Killeen Independent School District Middle School 12 subdivision [09-064R].

CA-3 Consider a memorandum/resolution [09-065R] accepting a Texas Department of Transportation (TXDOT) Selective Traffic Enforcement Program on impaired driver mobilization (IDM) violation enforcement grant for Police Department.

CA-4 Consider a request submitted by First United Methodist Church (Case #09-009FS: First United Methodist Church of Killeen) for a plat of approximately 24.400 acres, being part of the W.H. Cole Survey, Abstract No. 201, for property located on the east right-of-way of Cunningham Road and is bounded on the south by Elms Road and on the north by Little Nolan Road, Killeen, Texas.

CA-5 Consider a request submitted by WBW Rentals, Ltd (Case #09-008FS: Hidalgo Ranch II) for a final plat of approximately 7.95 acres, being part of the Robert

Cunningham Survey, Abstract No. 199, for property located on the west right-of-way of S. W. S Young Drive south of Hidalgo Ranch Phase One and east of Tanglewood Estates Part IV, Killeen, Texas.

CA-6 Consider a memorandum/resolution [09-066R] authoring the city manager to execute an interlocal agreement with Bell County for computer software usage.

Mayor Pro-Tem Latham moved to approve the above items on the Consent Agenda, seconded by Councilmember Wells. The motion was approved 6-1 (Councilmember Workman in opposition because of disagreement with CA-5).

Public Hearings / Ordinances

PH-1 **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 expenditures in the cable system PEG fund 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 CABLESYSTEM PEG FUND BUDGET BY \$83,632 IN VARIOUS EXPENDITURE ACCOUNTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

The City allocates funds received from Time Warner Cable through a one percent franchise fee. Currently there is \$300,000 in the account, and another \$100,000 is due by the end of the fiscal year. Staff proposes to spend these funds to hire a second government channel producer with associated salary and benefit expenses, along with additional equipment, and a vehicle. This will allow the City to produce twice the number of videos each year.

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

Councilmember Workman moved to approve the ordinance [09-028], seconded by Mayor Pro-Tem Latham. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider a request by Whitis Investments, Ltd (Case #09-010RS: Fox Creek Commercial Phase Two, Replat) for a plat of approximately 2.838 acres, being a replat of Lot 1, Block 3, Fox Creek Commercial Phase Two. The property is located on the north right-of-way of Illinois Avenue between Grey Fox Trail and Iris Avenue and is locally known as 2011 Illinois Avenue, Killeen, Texas.

This plat is submitted on a parcel that will be divided into two lots, and the property abuts the Marlboro Heights Baptist Church. The plat meets all development regulations, and the Planning and Zoning Commission voted 5-0 to recommend approval. Councilmember Workman expressed concern about the flow of traffic and density issues.

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

Councilmember Wells moved to approve the plat, seconded by Councilmember Rivera. The motion was approved 6-1 (Councilmember Workman in opposition).

PH-3 **HOLD** a public hearing and consider a request for an ordinance by Carlos and Mary McDowell (#Z09-08) to rezone approximately 0.218 acre, being Lot 72, Simmonsville, 1st Extension from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) the property is locally known as 536-538 56th Street, 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 DISTRICT) TO R-2 (TWO FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted on property that contain two small structures. The request is to rezone for R-2 to allow the structures to be removed and a duplex to be built instead. The property meets the requirements of the R-2 zoning. The Planning and Zoning Commission voted 5-0 to recommend approval of the request.

Mayor Hancock opened the public hearing. Carlos McDowell, 2619 Cedar Knob Road, Harker Heights, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Cospers moved to approve the ordinance [09-029], seconded by Councilmember Wells. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider a requested for an ordinance by Clement P. McClurken (Case #Z09-09) to rezone approximately 6.907 acres, being part of the James D. Allcorn Survey, Abstract No. 25 from A-R1 (Agricultural Single-family Residential District), R-1 (Single-family Residential District) and B-3 (Local Business District) to R-1 (Single-family Residential District), R-3 (Multifamily Residential District) and B-3 (Local Business District) for property located on the west right-of-way of East Trimmier Road south of Stagecoach Road and is locally known as 7432 East Trimmier 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 DISTRICT), A-R1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) AND B-3 (LOCAL BUSINESS DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) AND B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request was originally for R-1, R-3, and B-3; however, the applicant has modified his request to withdraw the R-3 portion. The B-3 tract will contain approximately 2.4 acres, and the R-1 tract will contain 4.5 acres. The agent for the applicant has submitted a prospective site plan for the tract. The Planning and Zoning Commission voted 5-0 to recommend approval of the rezoning for R-1 and B-3.

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

Councilmember Workman moved to approve the ordinance [09-030] with rezoning for R-1 and B-3, seconded by Councilmember Evans. The motion was approved unanimously.

PH-5 **HOLD** a public hearing and consider a memorandum/resolution adopting historic district design guidelines for the historic overlay district.

This is the final segment related to the historic preservation ordinance. The HyattPalma study recommended guidelines for the downtown area, and the 2008 Historic Resources Survey recommended guidelines for the historic district. Input was received from the Partnership Committee, and public hearings were held for additional input from the public. Projects that have already been started will be exempt from the guidelines.

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

Councilmember Cole moved to approve the resolution [09-067R], seconded by Councilmember Wells. The motion was approved unanimously.

Citizens Petitions and Information

CP-1 Marcus Sanders (4408 Sylvia Dr.) – Contact Phone Numbers for City Services

Mr. Sanders did not appear.

Adjournment

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

Timothy L. Hancock, Mayor

Paula Miller, City Secretary