

City of Killeen
Regular City Council Meeting
Killeen City Hall
May 26, 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, seconded by Councilmember Rivera. The motion was unanimously approved.

Presentations

PR-1 Proclamation - Rodeo Week

Mayor Hancock read a proclamation declaring June 1-6 as Rodeo Week and presented it to Paula Lohse and Jim Yeonopolous.

PR-2 Presentation - Youth Advisory Commission Annual Report

Mimi Na, chair of the Youth Advisory Commission, presented the annual report to the City Council.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of May 12, 2009.

CA-2 Consider minutes of Special City Council Meeting of May 19, 2009.

CA-4 Consider a request by Clement P. McClurken (Case #09-011FS: Song Valley) for a final plat of approximately 6.907 acres, being part of the James D. Allcorn Survey, Abstract No. 25. The property is 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.

CA-5 Consider a memorandum/resolution [09-077R] ratifying letters of support for the Texas High Speed Rail Project.

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

- CA-3 Consider a memorandum/resolution requesting to add a second name of “Grey Wolves Trail” to Elms Road between Clear Creek Road (SH 201) and Robinette Road.

The City received a petition to add the name of “Grey Wolves Trail” to a section of Elms Road between Clear Creek Road and Robinette Road. The Transportation Committee unanimously recommended approval of the request.

Alanah Lawrason, Junior Class President of Shoemaker High School, noted there were no residential homes along this section of Elms Road, and the request was intended to show the community they were proud of their school. The students would like the designation added before the end of the school year so that General Shoemaker could attend the ceremony.

Councilmember Evans moved to approve the resolution [09-078R], seconded by Councilmember Rivera. The motion was approved unanimously.

Public Hearings / Ordinances

- PH-1 HOLD a public hearing and consider a request by Cha D. Park and Son H. Park (Case #09-012RRS: Cha Addition) for a plat of approximately 3.808 acres, being a replat of Lot 1, Block 1, Rodriguez Estates and 0.808 acres, being part of the Eugene LaSere Survey, Abstract No. 528. The property is located on the north right-of-way of E. Stan Schlueter Loop (FM 3481) between Onion Road and W.S. Young Drive, Killeen, Texas.

This replat on property zoned B-5 is to combine two lots into one lot. The plat meets all development regulations, and the Planning and Zoning Commission voted unanimously to recommend approval of the request.

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

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

Ordinances / Resolutions

- OR-1 Consider a memorandum/resolution [09-079R] appointing Councilmember to the Hill Country Transit District Board.

Mayor Pro-Tem Latham moved to appoint Scott Cospers to replace Fred Latham on the Hill Country Transit District Board, seconded by Councilmember Wells. Councilmember Workman thought the appointment should wait until after the new Council is seated; however, Mayor Pro-Tem Latham noted the next meeting of the Board is on Wednesday, and without this appointment, the City would be without a representative.

The motion was approved 6-1 (Councilmember Workman in opposition).

OR-2 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 6-Animals regarding tethering of animals.

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;” PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

City Attorney Davis advised the Animal Advisory Committee was continuing its review of the animal ordinance and specifically to address issues that could eliminate dangerous dogs. The existing ordinance requires an animal to be tethered using a pulley or trolley system. The committee recommends prohibiting permanent tethering of animals, allowing an animal to be tethered only for short period of time for exercise and in the presence of an adult owner. Evidence exists that permanent tethering results in an animal becoming more aggressive. Another change defines what an acceptable cage in the backyard is. A defense to prosecution for tethering is that the tethering is temporary only for exercise.

Councilmember Cosper moved to approve the ordinance [09-032], seconded by Councilmember Rivera. The motion was approved unanimously.

OR-3 Consider an ordinance amending the Community Development FY 08-09 Annual Action Plan and expediting the use of an allocation of CDBG-Recovery (CDBG-R) Funds and describing the use of CDBG-R funds for the Community Development Block Grant program activities to be undertaken with FY 08-09 CDBG Recovery Funds.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE FY 2008-09 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS ACT PROGRAM AND AUTHORIZING THE EXPENDITURE OF \$253,973.00 IN CDBG-R FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

CDBG Director Leslie Hinkle advised this amendment to the annual action plan was to account for funds in the amount of \$253,973 from the American Recovery and Reinvestment Act of 2009. The Community Development Advisory Committee met on May 15 and recommended an allocation of \$103,973 for construction of the parking lot at the Killeen Food Care Center and \$150,000 for renovations to the First Baptist Church property for public service agencies. It is

critical that the City take action. The comment period resulted in five favorable recommendations.

Councilmember Workman moved to approve the ordinance [09-033], seconded by Mayor Pro-Tem Latham. The motion was approved unanimously.

Special Recognitions

Mayor Hancock presented plaques to Councilmember Evans and Mayor Pro-Tem Latham.

Mayor Pro-Tem Latham and Councilmember Evans expressed appreciation to the citizens of Killeen for allowing them to serve.

Oath of Office & Standards of Conduct

City Secretary Miller administered the oath of office to newly-elected Councilmembers Kenny Wells, Juan Rivera, JoAnn Purser, and Ernest Wilkerson. The entire City Council then signed the Standards of Conduct while City Manager Green read the Standards.

Certificate of Election

City Secretary Miller presented Certificates of Election to Councilmembers Wells, Rivera, Purser, and Wilkerson elected at the City's general election.

Call to Order and Roll Call

Presiding: Mayor Timothy Hancock

Attending: Councilmembers Larry Cole, Scott Cospers, JoAnn Purser, Juan Rivera, Kenny Wells, Ernest Wilkerson, and Billy Workman

Also attending were City Manager Connie J. Green, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms David Orr

Ordinances / Resolutions

OR-4 Consider a memorandum/resolution [09-080R] designating a Mayor Pro-Tem.

Councilmember Cole moved to designate Scott Cospers as Mayor Pro-Tem, seconded by Councilmember Rivera. Councilmember Wilkerson thought the position of Mayor Pro-Tem should be based on seniority of members without a break in service. Councilmember Cole noted Scott Cospers has been on the Council before, served on challenging committees, and knew the needs of the community. Councilmember Rivera agreed with the comments of Councilmember Cole, saying no one currently serving had the experience of Mr. Cospers.

Mayor Hancock restated the motion and called for a vote. The motion was approved 6-1 (Councilmember Workman in opposition).

Citizens Petitions and Information

CP-1 Julius Shaw (305 W. 22nd Street) - Pay a Compliment to the Police Department and Public Works Department

Julius Shaw, 305 W. 22nd Street, thanked the Police Department in its efforts to reduce burglary, and he recognized members of the Public Works Department in attending to water leaks in an extremely prompt manner.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Wells, and unanimously approved, the meeting was adjourned at 7:08 p.m.

Timothy L. Hancock, Mayor

Paula Miller, City Secretary