

City of Killeen
Regular City Council Meeting
Killeen City Hall
July 28, 2009
6:00 p.m.

Presiding: Mayor Timothy L. Hancock

Attending: Mayor Pro-Tem Scott Cosper and Councilmembers Larry Cole, JoAnn Purser, Juan Rivera, Kenny Wells, Ernest Wilkerson, and Billy Workman

Also attending were Assistant City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms David Orr

Director of Volunteer Services Will Brewster gave the invocation, and Councilmember Cole led everyone in the pledge of allegiance.

Approval of Agenda

Mayor Pro-Tem Cosper moved to approve the agenda as written with the deletion of PH-4, seconded by Councilmember Rivera. The motion was unanimously approved.

Presentations

PR-1 Presentation - Rodeo Killeen Report

County Commissioner John Fisher reported on the 62nd annual Killeen rodeo, noting that it gets better every year.

PR-2 Presentation – Killeen Animal Shelter Grand Opening

Animal Control Manager Stacey Sherva updated the Council on repairs and upgrades made at the Killeen Animal Shelter.

Consent Agenda

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

CA-2 Consider a memorandum/resolution [09-109R] amending the City of Killeen Identity Theft Policy.

CA-3 Consider a request by CODRA Commercial Ltd and Abbott Springs, Ltd (Case #09-021AM: High Pointe 2 Addition, Amended) for a plat of approximately 2.998 acres, being an amended plat of Lot 1A, Block 1, High Pointe Addition for property locally known as 3800 South W. S. Young Drive, Killeen, Texas.

CA-4 Consider a memorandum/resolution [09-110R] approving an interlocal contract with The Texas Department of Public Safety.

CA-5 Consider a memorandum/resolution [09-111R] approving Change Order No. 1, Lift Station No. 8 Project.

CA-6 Consider a memorandum/resolution [09-112R] approving an application by Super Saver Shuttle Transportation Services for a “Ground Transportation Service

Operating Authority Permit.”

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

CA-7 Consider a memorandum/resolution authorizing the renewal of a contract for employee health insurance benefits.

Human Resources Director Debbie Mayor explained that she had briefed the City Council on the insurance option presented by Scott and White regarding coverage, costs, and challenges in light of the budget. The insurance presents three options and represents an overall increase of 11.9%. The insurance would be effective October 1. Councilmember Cole advised he had been contacted by a number of employees regarding the increase in premiums and asked whether bids had been solicited by other companies. Director Mayor advised the City goes out for bids every three years, rather than every year. For that reason, the Human Resources Department researched comparable cities to determine what benefits and costs other cities were paying. The increase on the City's premiums can be attributed to the loss ratio determined by utilization which is now 124%. The bid process would take up to three months, and insurance needs to be in place by September 30 to prevent a lapse in coverage.

The City has a wellness program to try to get healthier employees and to decrease the amount of usage of the insurance. Pre-enrollment meetings have been scheduled with employees to give them information on options available, as well as other resources for family coverage.

Jeff Ferrell, 201 N. 28th Street, and Michael Neujahr, 1203 Cedar Oaks, Harker Heights, spoke on their concerns as employees with the amount of increase for employees with families. Some face premium increases that will double.

Ken Chapman of Bigham, Kliever, Chapman & Watts, an insurance broker, appeared to answer general questions regarding insurance. He said all insurance providers would have to take the costs of Scott and White into consideration, and those rates would not vary significantly from those of the Scott and White Health Plan. The City's rates are higher because of the loss ratio.

Councilmember Purser moved to disapprove the resolution, seconded by Councilmember Rivera. Councilmember Cole and Mayor Pro-Tem Cospers expressed their concern with the process but were also concerned that employees might face a lack of insurance should this be disapproved. A vote was taken on the motion, and it was disapproved 3-4 (Mayor Pro-Tem Cospers and Councilmembers Cole, Wells, and Workman in opposition).

Councilmember Cole moved to approve the resolution, seconded by Councilmember Wells. It was disapproved 3-4 (Councilmembers Purser, Rivera, Wilkerson, and Workman in opposition).

City Attorney Davis advised the Council was scheduled to have a special meeting on August 4, and since neither motion had been approved, the matter could be reconsidered at that time. Additional information can be provided in the Council packets regarding the time line for bidding.

CA-8 Consider a memorandum/resolution authorizing the renewal of a contract for employee dental insurance benefits.

CA-9 Consider a memorandum/resolution authorizing the renewal of a contract for employee life insurance benefits.

Mayor Pro-Tem Cospser moved to table CA-7, CA-8, and CA-9 to August 4, seconded by Councilmember Rivera. The motion was unanimously approved.

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider a request for an ordinance by Jack A. Wells, Jr., (Case #Z09-13) to rezone Lot 1, Block 1, Julius Alexander Industrial Subdivision, Replat #1, from R-2 (Two-family Residential District) to B-4 (Business District) for property locally known as 405 Liberty 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-2 (TWO FAMILY RESIDENTIAL 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 is submitted to allocation for storage of construction materials inside a building as well as vehicle parking on the site. The Planning and Zoning Commission recommended approval of the request.

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

Councilmember Purser moved to approve the ordinance [09-042], seconded by Councilmember Wilkerson. The motion was approved 6-0-1 (Councilmember Wells abstained).

PH-2 **HOLD** a public hearing and consider a request for an ordinance by In Ok Halliburton (Case #Z09-14) to rezone approximately 0.052 acres, from B-5 (Business District) to B-C-1 (General Business and Alcohol Sales District) for property locally known as 2815 S. Ft. Hood 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 B-5 (BUSINESS DISTRICT) TO 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 rezoning request is to allow sale of alcohol on premises at O'Boks located on SH 195. The Planning and Zoning Commission voted to recommend approval of the request.

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

Councilmember Workman moved to approve the ordinance [09-043], seconded by Councilmember Rivera. The motion was approved unanimously.

PH-3 A. **HOLD** a public hearing and consider a request for an ordinance by Reeces Creek Developers, a Texas Limited Partnership, (Case #Z09-15) to rezone approximately 4.654 acres, being part of Goodnight Ranch Addition, Phase Six, from R-1 (Single-family Residential District) to R-2 (Two-family Residential District) for property located approximately 4300 feet south of W. Stan Schlueter Loop (FM 3480) on the east right-of-way of Bunny Trail, Killeen, Texas.

B. Consider a request by Reeces Creek Developers, a Texas Limited Partnership, (Case #09-023RRS: Goodnight Ranch Addition, Phase Seven) for a plat of approximately 6.062 acres, being a replat of Lots 1-19, Block 1, Goodnight Ranch Addition, Phase Six, for property located approximately 4300 feet south of W. Stan Schlueter Loop (FM 3480) on the east right-of-way of Bunny Trail, 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 to allow for duplex construction, rather than single-family residential. There is currently R-2 development in the area. The Planning and Zoning Commission voted to recommend approval of the request.

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

Councilmember Workman moved to approve the ordinance [09-044] and plat, seconded by Councilmember Wells. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider recommending amendments to the City of Killeen's Code of Ordinances governing Specific Use Permit, Special Use Permits,

B-3, B-4, B-5, RC-1 and B-C-1 zoning provisions, including imposing a fee under Chapter 3 of the Code of Ordinances.

This item was deleted from the agenda.

Ordinances / Resolutions

OR-1 Consider an ordinance extending the corporate city limits of the City of Killeen, by annexing 19.28 acres located adjacent to Bunny Trail and approximately 4,900 feet south of W. Stan Schlueter Loop (FM 3470).

The caption of the ordinance was read as follows:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS TO INCLUDE LAND LYING ADJACENT TO THE PRESENT CITY LIMITS; DECLARING SAID LAND TO BE A PART OF SAID CITY; DECLARING SAID LAND AND PRESENT AND FUTURE INHABITANTS OF SAID LAND TO BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES OF OTHER LANDS AND CITIZENS OF THE CITY AND TO BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; EXTENDING THE BOUNDARY OF DISTRICT 4; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; ESTABLISHING AN EFFECTIVE DATE.

The City Council accepted the petition for annexation on June 30, and this ordinance will complete the annexation of the property into the city limits.

Councilmember Wells moved to approve the ordinance [09-045], seconded by Mayor Pro-Tem Cosper. The motion was approved unanimously.

OR-2 Consider an amendment to the Municipal Drainage Utility System Ordinance Chapter 32 City Code of Ordinances, adopting illicit discharge regulations.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM, BY ADOPTING AN ARTICLE ENTITLED ILLICIT DISCHARGE PREVENTION AND STORM WATER PROTECTION; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Drainage Project Engineer Kristina Ramirez advised the City received its MS4 permit from TCEQ in April and must adopt an illicit discharge ordinance no later than August 12. Meetings were held with stakeholders on March 26, April 23, and May 28, and this ordinance was briefed to the City Council on June 2, July 7, and July 20. Information was sent to citizens with water

bills relating to allowable discharges, and additional information will be posted on the City's web site.

Councilmember Cole moved to approve the ordinance [09-046], seconded by Councilmember Purser. The motion was approved 6-1 (Councilmember Wilkerson in opposition).

OR-3 Consider an ordinance approving Arts Commission recommendations for disbursement of hotel/motel tax funds for fiscal year 2009-10.

The caption of the ordinance was read as follows:

AN ORDINANCE PROVIDING FOR THE SPECIFIC DISBURSEMENT OF THE PROCEEDS OF THE MUNICIPAL HOTEL OCCUPANCY TAX REVENUES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Ann Farris, Chair of the Arts Commission, presented the recommendations of the Commission regarding allocation of hotel occupancy tax revenues.

Councilmember Wilkerson moved to approve the ordinance [09-047], seconded by Mayor Pro-Tem Coper. The motion was approved unanimously.

Citizens Petitions and Information

CP-1 Frank Wiggins (1710 Poage) – Suggestion for Former First Baptist Church

Mr. Wiggins did not appear.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Coper, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 8:01 p.m.

Timothy L. Hancock, Mayor

Paula Miller, City Secretary