

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
August 11, 2009  
6:00 p.m.

Presiding: Mayor Timothy L. Hancock

Attending: Mayor Pro-Tem Scott Cospers and Councilmembers Larry Cole, JoAnn Purser, 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

Absent: Councilmember Ernest Wilkerson

Councilmember Cole gave the invocation, and Councilmember Wells led everyone in the pledge of allegiance.

**Approval of Agenda**

Mayor Pro-Tem Cospers moved to approve the agenda as written with the deletion of OR-1, seconded by Councilmember Wells. The motion was unanimously approved.

**Consent Agenda**

- CA-1 Consider minutes of Regular City Council Meeting of July 28, 2009.
- CA-2 Consider a memorandum/resolution [09-116R] authorizing the appointment of an independent auditor for the fiscal year ended September 30, 2009.
- CA-3 Consider a memorandum/resolution [09-117R] approving Skylark Field lease agreement renewals.
- CA-4 Consider a memorandum/resolution [09-118R] approving Killeen-Fort Hood Regional Airport lease agreement renewals.
- CA-5 Consider a memorandum/resolution [09-119R] approving a lease agreement addendum with PHI, Inc. at Skylark Field.
- CA-6 Consider a memorandum/resolution [09-120R] authorizing a memorandum of understanding for the Texas Forestry Service Regional Incident Management Team.
- CA-7 Consider a memorandum/resolution [09-121R] adopting a Public Traffic Safety Program.
- CA-9 Consider a request by Metroplex Adventist Hospital, Inc. (Case #09-024RS: Metroplex Adventist Hospital Addition II, Replat No. 1) for a plat of approximately 13.287 acres, being part of the R.A. McGee Survey, Abstract No. 562 and a replat of Lot 2, Block 2, Metroplex Adventist Hospital Addition II. The property is located at the southwest intersection of Bell Tower Drive and Clear Creek Road (SH 201) locally known as 2201 S. Clear Creek Road, Killeen, Texas.
- CA-10 Consider a request by Presa Vista Developers, Ltd. (Case #09-026FS: Presa Vista Phase Three) for a plat of approximately 28.293 acres, part of the Robert Irvin Survey, Abstract No. 469 and the Alexander McKinsey Survey, Abstract No. 543. The property is located in Killeen's extra territorial jurisdiction (ETJ) on the west

right-of-way of FM 2484, north of Crows Ranch Road near the Killeen/Salado ETJ boundary.

- CA-11 Consider a memorandum/resolution [09-122R] approving Bid No. 09-23 SH-195, West Stagecoach and Reese Creek Road waterline project (1W).
- CA-12 Consider a memorandum/resolution [09-123R] withdrawing from the County Helicopter Program.
- CA-13 Consider a memorandum/resolution [09-124R] authorizing the award of RFP 09-19-Employee Assistance Program.
- CA-14 Consider a memorandum/resolution [09-125R] authorizing the award of Bid No. 09-24-2010 Police Motorcycles with emergency equipment.
- CA-15 Consider minutes of Special City Council Meeting of August 4, 2009.

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

- CA-8 Consider a request by Killeen EGS Property Ltd and Bentina Ltd (Case #09-018FS: Deorsam Estates, Phase One) for a final plat of approximately 33.415 acres, being part of the Azra Webb Survey, Abstract No. 857, the property is located on the north right-of-way of Stagecoach Road, west of W. Trimmier Road and east of Wagon Wheel Estates in Killeen Texas.

Citing a conflict of interest, Councilmember Purser stepped down from the dais.

This plat is submitted on property on the north side of Stagecoach Road, west of W. Trimmier Road and west of Wagon Wheel Estates. It is zoned R1-A and provides for single-family lots. There is one point of ingress and egress from Stagecoach and three onto W. Trimmier. There will be dedication for additional right-of-way for W. Trimmier Road to increase mobility. The plat meets all development regulations, and the Planning and Zoning Commission recommended approval of the plat.

Mayor Pro-Tem Cosper moved to approve the plat, seconded by Councilmember Wells. The motion was approved 5-0.

Councilmember Purser returned to Council deliberations.

### **Ordinances / Resolutions**

- OR-1 Consider a memorandum/resolution appointing a Council member to the Celebrate Killeen Committee.

This item was deleted from the agenda.

- OR-2 Consider an ordinance amending Chapter 2, Article VI, Section 2-150(a) (1) Airport Fees.

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(a) (1) AIRPORT FEES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Aviation Director John Sutton advised this amendment was to codify rates and fees to be charged at the Killeen-Fort Hood Regional Airport.

Councilmember Rivera moved to approve the ordinance [09-048], seconded by Councilmember Wells. The motion was approved unanimously.

OR-3 Consider an ordinance approving a negotiated rate change with Atmos Energy and approving rate tariffs and proof of revenues.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR “STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS’ PROOF OF REVENUES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

City Attorney Davis advised that the City had joined a coalition to review rate issues with regard to Atmos Energy rather than appealing to the Public Utility Commission. Atmos filed for an increase in March 2009, and the coalition looked at the various line items and negotiated an agreed rate that was eighty-five percent lower than Atmos’ original request. The average residential customer increase will be fifteen cents, the average commercial user will be twenty-six cents, and the average industrial user will be \$46.80.

Mayor Pro-Tem Cospers moved to approve the ordinance [09-049], seconded by Councilmember Purser. The motion was approved 5-1 (Councilmember Workman in opposition).

Mayor Hancock left the meeting at this time, and Mayor Pro-Tem Cospers assumed the chair.

### **Citizens Petitions and Information**

CP-1 Charles Johnson, Jr. (3508B Wind CT) – Noise Ordinance

Charles Johnson, Jr., 3508B Wind Court, suggested that signs be installed in residential areas warning citizens of the City's no-tolerance policy for noise, but that the ordinance be modified in business areas where traffic noises already exist.

**Adjournment**

With no further business, upon motion being made by Councilmember Wells, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:25 p.m. and reconvened into Workshop session.

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Timothy L. Hancock, Mayor

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Scott Cospers, Mayor Pro-Tem

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Paula Miller, City Secretary