

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
September 8, 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, and Billy Workman

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

Absent: Councilmember Ernest Wilkerson

Councilmember Cole gave the invocation, and Mayor Pro-Tem Cosper led everyone in the pledge of allegiance.

**Approval of Agenda**

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

**Presentations**

PR-1 Presentation – Quarterly Police Briefing

Chief of Police Dennis Baldwin presented the quarterly police briefing. Crime statistics for the first half of 2009 show an improvement from the same period of 2008, and efforts among the department, citizens, and the City Council are having an effect. The red light camera program appears to be having an influence on compliance with signalization all over town since the number of accidents has declined.

**Consent Agenda**

- CA-1 Consider minutes of Regular City Council Meeting of August 25, 2009.
- CA-2 Consider a memorandum/resolution [09-137R] ratifying execution of an easement encroachment agreement Lot 34, Block 3, Goodnight Ranch Addition Phase 1.
- CA-3 Consider a memorandum/resolution [09-138R] for procurement of surveillance cameras for the Lions Club - Family Aquatics Center.
- CA-4 Consider a memorandum/resolution [09-139R] authorizing the submission of a Passenger Facility Charge (PFC) application to the Federal Aviation Administration.
- CA-5 Consider a City/Owner Agreement-in-Principal [09-140R] for construction of an 18" gravity sewer interceptor, lift station No. 22 and 12"/15" gravity mains, (Water and Sewer Master Plan Project 5S) in association with the Goodnight Ranch Phase Six (replat) subdivision.
- CA-6 Consider minutes of Special City Council Meeting of September 1, 2009.

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

### **Public Hearings / Ordinances**

PH-1 **HOLD** a public hearing on the FY 2009-10 Proposed Annual Budget and Plan of Municipal Services.

This is the last public hearing prior to the budget approval on September 15.

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

Mayor Hancock announced the budget will be approved at a special meeting on September 15.

PH-2 **HOLD** a public hearing and consider a request for an ordinance by David Schroeder (Case #Z09-07) to rezone approximately 12.247 acres from B-5 (Business District) to R-3 (Multifamily Residential District) being part of the William H. Cole Survey, Abstract No. 201 for property located on Bacon Ranch Road west of Ridge Pointe Addition, 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 R-3 (MULTIFAMILY 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 development of Tremont Apartment Homes, a gated senior community. The Planning and Zoning Commission recommended approval of the project.

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

Councilmember Wells moved to approve the ordinance [09-054], seconded by Councilmember Rivera. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider a request for an ordinance by WBW Land Investment (Case #Z09-16) to rezone approximately 214.11 acres being part of the Simeon D. Carothers Survey, Abstract No. 177, part of the James Allcorn Survey, Abstract No. 25 and part of the William L. Shelbourn Survey, Abstract No. 774 from R-1 (Single-family Residential District) to PUD (Planned Unit Development).

The property is located north of Chaparral Road on the east right-of-way of Featherline Road and will be the future phases of Yowell Ranch, Phases II – VI.

Citing a conflict of interest, Mayor Pro-Tem Cosper stepped down from the dais.

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 PUD (PLANNED UNIT DEVELOPMENT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is for a planned unit development overlay. It will consist of residential use, a commercial segment, and possibly an elementary school. The Planning and Zoning Commission voted 6-2 to recommend approval with additional conditions such as an additional street across the property to Featherline and a minimum lot size of at least 5,000 square feet.

Mayor Hancock opened the public hearing.

Don Clay, 3739 E. Stagecoach, appeared in opposition to the request. He said a moratorium on all rezoning requests over four acres should be postponed until after the City receives the comprehensive plan from the consultant.

Debbie King, 186 Lonely Oaks, advised she was concerned with safety issues on Stagecoach, and asked the Council to move the improvements to Stagecoach higher in priority.

Garrett Nordyke, agent for the applicant, noted the property is already zoned R-1 and can be developed without the amenities offered by the PUD, such as open space, fencing, landscaping, and minimum square footage of homes. The applicant is working with the Killeen Independent School District with regard to the school. This rezoning will be density neutral and have a zero net effect on traffic.

Bruce Whitis, 3000 Illinois, appeared in support of the request. There will be twenty acres of open space, a hike and bike trail, and two separate playground areas. He agreed that the average square foot of homes will be not less than 1,325 square feet. Sidewalks will be in front of each home

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

Councilmember Cole moved to postpone this item to the next regular meeting, seconded by Councilmember Workman. The motion was approved 5-0.

Mayor Pro-Tem Cosper returned to Council deliberations.

### **Ordinances / Resolutions**

OR-1 Consider a memorandum/resolution [09-141R] appointing a member to the Celebrate Killeen Committee.

Mayor Pro-Tem Cospser moved to appoint Larry Cole to replace Billy Workman on the Celebrate Killeen Committee, seconded by Councilmember Rivera. The motion was approved unanimously.

OR-2 Consider a memorandum/resolution [09-142R] appointing a member to the Killeen Economic Development Corporation.

Mayor Pro-Tem Cospser moved to appoint Carlyle Walton to replace Ken Finch on the Killeen Economic Development Corporation, seconded by Councilmember Wells. The motion was approved unanimously.

OR-3 Consider an ordinance amending Chapter 28, Article V, of the City of Killeen Code of Ordinances by adding parking regulations at the Killeen-Fort Hood Regional Airport.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE V, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY ADDING PARKING PROVISIONS AT THE KILLEEN-FORT HOOD REGIONAL AIRPORT; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

City Attorney Davis advised this code amendment was proposed in response to complaints about people leaving parked and unattended vehicles at the Killeen-Fort Hood Regional Airport. The amendment will make it an offense to leave a vehicle parked or stopped unattended in the passenger loading/unloading zones at the airport, and a police officer will have the authority to ticket a driver who violates the code, with a fine from \$1.00 to \$500.00 per offense. The Airport Expansion Committee considered this item and recommended it for approval.

Councilmember Rivera moved to approve the ordinance [09-055], seconded by Councilmember Wells. The motion was approved unanimously.

OR-4 Consider a memorandum/resolution creating and appointing members to the Employee Insurance Committee.

Assistant City Manager Morrison advised that it was the desire of the Council to form a committee to review and evaluate annual health insurance proposals as well as study and make recommendations for controlling and managing employee health care costs. The City Manager and Director of Human Resources will be on the committee, and employees will be selected at the beginning of each fiscal year. The employees selected for this year are Laura Duskie, John

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Woljevack II, Jose Saucedo, Michael Wilson, and Kimberly Gray. In addition, Councilmembers Cole, Rivera, and Purser will serve on the committee.

Mayor Pro-Tem Cosper moved to approve the resolution [09-143R], seconded by Councilmember Wells. The motion was unanimously approved.

### **Adjournment**

With no further business, upon motion being made by Councilmember Wells, seconded by Mayor Pro-Tem Cosper, and unanimously approved, the meeting was adjourned at 6:42 p.m.

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Timothy L. Hancock, Mayor

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Paula Miller, City Secretary