

City of Killeen
Regular City Council Meeting
Killeen City Hall
January 12, 2016 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Jose Segarra, Council members Jim Kilpatrick, Juan Rivera, Shirley Fleming, Brockley Moore, Jonathan Okray, and Elizabeth Blackstone

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms McDaniel.

Dr. Campbell gave the invocation, and Councilmember Moore led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Segarra to approve the agenda as written. Motion seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the December 15, 2015 regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Resolutions

RS-16-001 Consider a memorandum/resolution updating authorized representatives for TexPool.

Staff comments: Jonathan Locke

Jonathan Locke, Executive Director of Finance, needs to be added as an authorized representative. Jerry Sparks, Tanya Strickland, and Chris Garcia need to be removed. All other representatives will remain the same. Staff recommends that the Council approve the above changes regarding TexPool authorized representatives for the City of Killeen and that the attached Resolution Amending Authorized Representatives from TexPool be approved.

Motion was made by Councilmember Okray to approve RS-16-001. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-16-002 Consider a memorandum/resolution to allow purchase orders to specific vendors to exceed the \$50,000.00 threshold in FY 16 for Fleet Services.

Staff comments: Frank Tydlacka

Staff requests approval, in advance, to exceed the \$50,000 threshold with the following vendors in FY16.

C & C Collision Center, Waco; Calabama, Killeen; D & D Paint and Body, Killeen; Danny's Transmission, Killeen; Stepp Equipment, Garland; Heil of Texas, Irving; Longhorn International, Temple; O'Reilly Auto Parts, Killeen; The Parts Depot, Temple; Rush Truck Center, Waco; Leif Johnson Ford, Austin; Industrial Transmission, Waco.

Staff recommends the City Council authorize staff to exceed the \$50,000 threshold in FY2016 with the stated vendors as required.

Motion was made by Mayor Pro-Tem Segarra to approve RS-16-002. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Okray opposing.

RS-16-003 Consider a memorandum/resolution authorizing the submittal of an Assistance to Firefighters Grant application for the Killeen Fire Department.

Staff comments: Chief Gardner

Grantees are required to have non-federal funds available in an amount equal to and not less than 10 percent of the grant awarded. Estimated cost share of non-federal funds would be \$193,617. Staff recommends that the City Council approve this resolution displaying its support for an Assistance to Firefighters Grant application, acknowledges its commitment under the grant agreements, and that appropriate financial support will be secured for the Killeen Fire Department's cost-sharing obligations over the grant performance period.

Motion was made by Councilmember Rivera to approve RS-16-003. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.

RS-16-004 Consider a memorandum/resolution for the purchase of six (6) heavy trucks for the Solid Waste Division.

Staff comments: Frank Tydlacka

The following vehicles are requested and needed at this time:

One (1) Front Loader Truck; One (1) Roll-Off Truck; Two (2) Side-Loader Trucks; One (1) Rear-Loader Truck; One (1) Grapple Truck

Staff recommends purchase of the six (6) trucks utilizing the HGAC and BuyBoard Purchasing Cooperatives and that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Blackstone to approve RS-16-004. Motion was seconded by Councilmember Rivera. Motion carried 6 to 1 with Councilmember Okray opposing.

Ordinances

OR-15-023 Consider an ordinance amending Chapter 31 of the Code of Ordinances to align allowable land uses and supplemental standards within the City of Killeen's Zoning Ordinance.

Staff comments: Tony McIlwain

This ordinance provides two new definitions, revises the setback requirements for private garages within the Single-Family Residential District (R-1), updates and reclassifies various allowable uses within the City's commercial and manufacturing zoning districts, reduces the 1,000 feet notification requirement for the General Business and Alcohol Sales District (B-C-1) to 200 feet, as well as revising rear yard setback requirements for accessory structures and pools. The Planning and Zoning Commission recommends that the City Council approve the proposed amendments to Chapter 31, Zoning, of the Killeen Code of Ordinances.

Motion was made by Councilmember Okray to approve OR-15-023. Motion was seconded by

Councilmember Blackstone. Motion carried unanimously.

OR-16-001 Consider an ordinance to amend the number of authorized civil service positions for the Killeen Fire Department.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, TO AUTHORIZE THE NUMBER OF FIRE DEPARTMENT CIVIL SERVICE EMPLOYEES TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff comments: Eva Bark

The Human Resources Department is requesting changes to the current fire staffing by adding 37 Fire and Rescue Officers. Staff recommends the adoption of the proposed ordinance to add 37 entry-level, full-time fire and rescue officer positions as outlined in the SAFER Grant.

Motion was made by Councilmember Moore to approve OR-16-001. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

OR-16-002 Consider an ordinance ordering the May 2016 General Election for the Mayor and three Council Members-at-Large.

The City Secretary read the caption of the ordinance.

AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS-AT-LARGE; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THEIR NAMES PRINTED ON THE OFFICIAL BALLOT; FIXING THE TIME WITHIN WHICH SUCH APPLICATION MAY BE FILED; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.

Staff comments: Kathy Davis

This ordinance is calling an election for the purpose of electing a Mayor and three Council Members-at-Large and designating the polling places and times. In addition, should KISD have an election, early voting will also occur at the KISD Administration Building. The estimated cost to conduct this election is \$60,000.00, and \$60,000.00 has been budgeted. There will be cost-saving if KISD participates in a joint election with the City. Staff recommends adoption of the proposed ordinance.

Motion was made by Councilmember Rivera to approve OR-16-002. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Public Hearings

PH-15-060 HOLD a public hearing and consider an ordinance by Abdul Khan (Case #Z15-29) to rezone Lot 1, Block 1, Wassay Addition, from “CD” (Cemetery District) with a Conditional Use Permit (CUP) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for a retail store. The property is locally known as 10752 S. Fort Hood Street, Killeen, Texas. (Requires a 3/4 majority vote for approval.)

The City Secretary read the caption of the ordinance.

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 CD (CEMETERY DISTRICT) TO CD WITH A CONDITIONAL USE PERMIT (CUP) TO CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The proposal is consistent with the Comprehensive Plan. The staff notified three (3) surrounding property owners within a 200’ notification boundary. Staff has received no protests. The Planning and Zoning Commission recommended CD with a Conditional Use Permit (CUP) to allow for a 9,100 square feet retail store, for Lot 1, Block 1, Wassay Addition, Killeen, Texas with the following conditions: 100% limestone façade on the north side of the building with 80% masonry requirement on the remaining three sides, with no metal siding to be visible. A three foot (3’) vegetative hedge is to be installed on the north side and west side and other landscaping requirements as required by the Cemetery District by a unanimous vote.

Mayor Cospo opened the public hearing.

Josh Welch, 3000 Illinois Ave - spoke in opposition to the request due to lack of controls in CUP as it’s written. Mr. Welch is concerned about the appearance of this building and would like to see architectural features added so it’s not a box type building.

Bob Gage, GBT Realty - clarified the picture elevations council received late.

With no one else appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Segarra to postpone this item to the next regular meeting. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 2 with Councilmember Fleming and Councilmember Okray opposing.

PH-16-001 HOLD a public hearing and consider an ordinance amending the FY 2016 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing General Fund revenues by \$894,529 and various General Fund operating expenditure accounts by \$894,529.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2016 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING GENERAL FUND REVENUE ACCOUNTS BY \$894,529 AND VARIOUS GENERAL FUND EXPENDITURE ACCOUNTS BY \$894,529; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

The salary and benefits cost for the thirty-seven (37) Fire Rescue Officers from May 2, 2016 - September 30, 2016, is \$894,529. Accordingly, a budget amendment is needed to increase General Fund revenue and expenditure accounts for the grant. Staff recommends that City Council approve the ordinance amending the FY 2016 City of Killeen General Fund budget.

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

Motion was made by Councilmember Rivera to approve PH-16-001. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.

PH-16-002 HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of RSBP Developers (Case #Z15-33) to rezone Lots 1-2, Blocks 10 through 13 Bunny Trail Estates, Phase One and Lots 3-19, Block 10 and Lots 3-34, Blocks 11 through 13, Bunny Trail Estates, Phase Two, from "R-1" (Single-family Residential District) to "R-1" (Single-family Residential District) with a Planned Unit Development (PUD) overlay. The properties are bounded by Great Divide Road on the east and Newcastle Drive on the west, Killeen, Texas.

The City Secretary read the caption of the ordinance.

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-1 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Charlotte Hitchman

The zoning request is consistent with the FLUM of the Comprehensive Plan.

The staff notified 93 (ninety three) surrounding property owners regarding this request. No responses have been received.

The Planning & Zoning Commission recommended approval of the applicant's request with the following standards:

- Side yards shall be a minimum width of nine (9) feet (as illustrated on the PUD zoning concept plan), exclusive of those side yards located adjacent to public rights-of-way, which shall remain at fifteen (15) feet.
- Rear yards shall have a depth of not less than seventeen (17) feet (as illustrated on the PUD zoning concept plan) from the current standard of twenty-five (25) feet.
- There shall be a minimum of 3-sides masonry (for the front and side exteriors) of all housing units.
- Each lot shall have a fully sodded yard.

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

Motion was made by Councilmember Okray to approve PH-16-002. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-16-003 HOLD a public hearing and consider an ordinance requested by Vincent Gerard & Associates Inc. on behalf of DCM&M Automotive Group, L.P. (Case #Z15-34) to rezone a .0574 acre (50 x 50 foot) area out of Lot 1, Block 1 Malibu Tower Addition, from “M-1” (Manufacturing District) to “M-1” (Manufacturing District) with a Conditional Use Permit (CUP) for a 85’ tall monopole communication structure. The property is located south of Bacon Ranch Road west of E. Stan Schlueter Loop (FM 3470) and is locally known as 3800 Bacon Ranch Road in Killeen, Texas. (Requires a 3/4 majority vote for approval.)

The City Secretary read the caption of the ordinance.

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 M-1 (MANUFACTURING DISTRICT) TO M-1 (MANUFACTURING DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The rezone is consistent with the FLUM designation for this area. The staff notified five (5) surrounding property owners within a 200’ notification boundary regarding this request and no responses were received. The Planning & Zoning Commission recommended approval (by a vote of 6 to 0) of the applicant’s request subject to adherence to the site plan and communication monopole design submitted by the applicant with this zoning request. The proposed location will allow for the communication tower to meet all regulations listed in Chapter 31, Division 6, of the Killeen Code of Ordinances.

Mayor Cosper opened the public hearing.

Vince Huebinger, representative of land owner - spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-16-003. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.

PH-16-004 HOLD a public hearing and consider an ordinance requested by Killeen Independent School District (KISD) (Case #Z15-35) to rezone approximately 31.234 acres, being part of the Eugene Lasere Survey, Abstract No. 527, from “A” (Agricultural District) to “R-1” (Single-Family Residential District) to allow for a public middle school. The property is located along the east right-of-way of Bunny Trail, approximately 2,960 feet south of W. Stan Schlueter Loop (FM 3470), Killeen, Texas.

The City Secretary read the caption of the ordinance.

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 ‘A’ (AGRICULTURAL DISTRICT) TO ‘R-1’ (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Charlotte Hitchman

The staff notified forty-five (45) surrounding property owners within a 200’ notification boundary regarding this request. Staff has received two protests from Alan Essenberg, the

owner of 2713 Montague County Drive and Justin and Brittany McLaughlin, the owners of 2711 Montague County Drive. These protests have been included for Council's consideration. The Planning & Zoning Commission recommended approval (by a vote of 6 to 0) of the R-1 zoning district for this parcel for further development of the middle school.

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

Motion was made by Councilmember Blackstone to approve PH-16-004. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Segarra, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 6:00 p.m.