



City of Killeen

Agenda

City Council

Tuesday, June 28, 2016

5:00 PM

Killeen City Hall
City Council Chambers
101 North College Street
Killeen, Texas 76541

Call to Order and Roll Call

___ Jose Segarra, Mayor	___ Brockley Moore
___ Shirley Fleming	___ Jonathan Okray
___ Gregory Johnson	___ Juan Rivera
___ Jim Kilpatrick	___ Dick Young

Invocation

Pledge of Allegiance

Approval of Agenda

Presentations

[PR-16-001](#) Presentation: Force Reduction Assessment

Minutes

[MN-16-014](#) Consider Minutes of Regular City Council Meeting of June 14, 2016.

Attachments: [Minutes](#)

[Johnson Statement of Record](#)

[Okray Statement of Record](#)

[MN-16-015](#) Consider Minutes of Special City Council Meeting of June 21, 2016.

Attachments: [Minutes](#)

Resolutions

[RS-16-071](#) Consider a memorandum/resolution authorizing a lease for fitness equipment at the Family Recreation Center.

Attachments: [Council Memorandum](#)
[Agreement](#)
[Out Fit Quote](#)
[Push Pedal Pull Quote](#)
[Certificate of Interested Parties](#)

[RS-16-072](#) Consider a memorandum/resolution to enter into an agreement with TriStem to conduct an assessment or audit of prior utility billing and payments.

Attachments: [Council Memorandum](#)
[Agreement](#)
[Certificate of Interested Parties](#)

[RS-16-073](#) Consider a memorandum/resolution providing a temporary salary adjustment to Interim City Manager Lillian Ann Farris.

Attachments: [Council Memorandum](#)

Ordinances

[OR-16-010](#) Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 31, Article IV, Division 21, University District and Division 22, Cemetery District.

Attachments: [Council Memorandum](#)
[Minutes](#)
[Cemetery District Ordinance](#)
[University District Ordinance](#)

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on June 24, 2016.

Dianna Barker, City Secretary

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

This meeting is being conducted in accordance with the Texas Open Meetings Law

[V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.

Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. No official action will be taken by Council.

- *GKCC Military Relations Council Luncheon, July 14, 2016, 11:30 a.m., Texas A&M University - Central Texas*
- *Korean War Veterans Association Annual Banquet, July 23, 2016, 6:00 p.m., Club Hood*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: PR-16-001 **Version:** 1 **Name:** Force Reduction Assessment
Type: Presentations **Status:** Presentations
File created: 6/21/2016 **In control:** City Council
On agenda: 6/28/2016 **Final action:**
Title: Presentation: Force Reduction Assessment
Sponsors: City Manager Department, Support Services Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: MN-16-014 **Version:** 1 **Name:** Minutes of Regular City Council Meeting of June 14, 2016
Type: Minutes **Status:** Minutes
File created: 6/14/2016 **In control:** City Council
On agenda: 6/28/2016 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of June 14, 2016.
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)
[Johnson Statement of Record](#)
[Okray Statement of Record](#)

Date	Ver.	Action By	Action	Result
6/21/2016	1	City Council Workshop		

City of Killeen
Regular City Council Meeting
Killeen City Hall
June 14, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Juan Rivera, Shirley Fleming, Gregory Johnson, and Jonathan Okray

Also attending were Interim City Manager Lillian Ann Farris, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Gilman.

Mr. Jones gave the invocation, and Councilmember Kilpatrick led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda, pulling RS-16-065 and RS-16-066 from consideration. Motion seconded by Councilmember Fleming. The motion carried 6 to 0.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the May 24th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.

Resolutions

RS-16-058 Consider a memorandum/resolution authorizing the use of a Request for Proposal (RFP) for purchase and installation of wildlife hazard reduction equipment at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.

Staff comments: Jim Livingston

Over the past several years, the airport and the airfield have been experiencing increased bird activity, especially on and adjacent to the runway. This increase in activity has directly led to an escalating upward trend of bird strikes. Staff recommends that the City Council find that a request for proposals method will provide the best value for the City and, further, authorize staff to utilize the RFP procurement method to identify and select the best value system from a qualified vendor for the Wildlife Hazard Reduction Equipment at the Killeen-Fort Hood Regional Airport.

Motion was made by Councilmember Rivera to approve RS-16-058. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-059 Consider a memorandum/resolution authorizing cumulative expenditures exceeding \$50,000 for the disposal of leachate at the City's MSW Transfer Station to Magna-Flow Environmental.

Staff comments: Michael Cleghorn

Staff recommends that City Council authorize expenditures in excess of \$50,000 for the disposal of leachate at the City's MSW Transfer Station to Magna-Flow Environmental.

Motion was made by Councilmember Kilpatrick to approve RS-16-059. Motion was seconded by Councilmember Fleming. Motion carried 6 to 0.

RS-16-060 Consider a memorandum/resolution authorizing Change Order No. 2 to Flanigan Construction, Inc. for the Bermuda/Ronstan Major CIP Phase 1.

Staff comments: Scott Osburn

The total cost of the change is a net increase in the amount of \$137,259.40 resulting in a total contract price of \$897,827.40 or a cumulative 24.23% increase to the original contract. City staff recommends the City Council authorize the City Manager to execute Change Order No. 2 with Flanigan Construction, Inc., increasing the cost of the contract by \$137,259.40.

Motion was made by Councilmember Fleming to approve RS-16-060. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-061 Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2016.

Staff comments: Jonathan Locke

Susan Anderson with Valley View Consulting briefly went over the quarterly report.

Staff recommends that the City Council approve the presented investment report for the quarter that ended March 31, 2016.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-061. Motion was seconded by Councilmember Kilpatrick. Motion carried 6 to 0.

RS-16-062 Consider a memorandum/resolution to enter into an agreement with Municipal Services Bureau (MSB) - Gila LLC for collection services on delinquent accounts for Emergency Medical Services (EMS) Billing and Utility Collections.

Staff comments: Jonathan Locke

Staff recommends that the City Council approve entering into the presented agreement with Municipal Services Bureau - Gila LLC to provide collection services of delinquent accounts and that the City Manager be expressly authorized to execute any and all changes to this contract within the amounts set by state and local law.

Motion was made by Councilmember Johnson to approve RS-16-062. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-063 Consider a memorandum/resolution authorizing the purchase of Personal Protective Equipment for the Fire Department.

Staff comments: Deputy Chief Hawthorne

This request is for the purchase of 33 bunker coats, bunker pants, and bunker belts and 224 letters for marking the bunker coats. The total cost for this purchase is \$74,658.00. The Fire Department staff recommends that the City Council authorize the purchase of personal protective equipment from Casco Industries, Inc. through the remainder of their Buyboard Cooperative Contract expiring March 31, 2017.

Motion was made by Councilmember Kilpatrick to approve RS-16-063. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.

PULLED FROM CONSIDERATION

RS-16-064 Consider a memorandum/resolution authorizing the procurement of nine (9) fully-equipped police vehicles.

PULLED FROM CONSIDERATION

RS-16-065 Consider a memorandum/resolution authorizing the procurement of forty-two (42) vehicles within the FY16 Fleet Replacement Plan budget.

RS-16-066 Consider a memorandum/resolution appointing councilmembers to various Boards and Commissions.

Staff comments: Ann Farris

Several vacancies now exist due to the recent election and resignations in advance of the election. This memorandum/resolution is necessary to confirm and/or establish the membership of the Mayor/Council on the below-discussed committees. The appointments to consider are as follows:

Joint Land Use Study Policy Board

Replace Scott Cosper with Jose Segarra as Mayor.

K-T MPO Transportation Planning Committee

Replace Elizabeth Blackstone with Gregory Johnson as City Council Representative.

Replace Jose Segarra with Juan Rivera as Mayor's Designee

Motion was made by Mayor Pro-Tem Moore to approve RS-16-066. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-067 Consider a memorandum/resolution to approve a professional services agreement with Texas Municipal League - Intergovernmental Risk Pool for worker's compensation and liability insurances.

Staff comments: Kate McDaniel

It is recommended that City Council approve the selection of Texas Municipal League - Intergovernmental Risk Pool as the continued provider for the aforementioned lines of insurance, effective October 1, 2016, and authorize the City Manager to execute any and all necessary change orders in accordance with state and local law.

Motion was made by Councilmember Fleming to approve RS-16-067. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 0.

RS-16-068 Consider a memorandum/resolution establishing the renewal rates for group employee medical and dental insurance benefits.

Staff comments: Ann Farris

Staff recommends City Council choose the renewal of Scott and White Health Plan as the provider for employee medical insurance to the Employee Benefit Trust and authorize the City Manager to execute an agreement with Scott and White Health Plan for medical insurance effective October 1, 2016, and that the City Manager be authorized to execute any necessary change order in accordance with state and local law.

Staff also recommends City Council choose the renewal of MetLife as the provider for employee dental insurance to the Employee Benefit Trust and authorize the City manager to execute an agreement with MetLife for dental insurance effective October 1, 2016, and that the City Manager be authorized to execute any necessary change order in accordance with state and local law.

Motion was made by Councilmember Rivera to approve RS-16-068. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 0.

RS-16-069 Consider a memorandum/resolution appointing a Councilmember for District #2.

Staff comments: Ann Farris

The person selected to fill the vacancy in District #2 will complete the remaining term of office, which will be from the date of the appointment to the election in May 2017. That the City Council approve the appointment of _____ as City of Killeen Councilmember to complete the remaining term for District #2.

Mayor Segarra opened the floor for nominations:

Councilmember Kilpatrick nominated Debbie Nash-King. Councilmember Rivera seconded that nomination.

Councilmember Okay nominated Richard Young. Councilmember Fleming seconded that nomination.

Upon a call for a vote from the council, Debbie Nash-King received two votes and Richard Young received four votes.

Motion was made by Councilmember Okay to approve RS-16-069 appointing Richard Young to fill the unexpired District 2 Councilmember seat. Motion was seconded by Councilmember Fleming. Motion carried 4 to 2 with Councilmember Kilpatrick and Councilmember Rivera opposing.

RS-16-070 Consider a memorandum/resolution granting KISD a temporary exception from City of Killeen Ordinance requirement that fire hydrants be installed prior to construction above the foundation.

Staff comments: Dr. Craft, KISD Superintendent

KISD is requesting that the City Council grant an exception, based on public necessity, until August 1, 2016, from the requirements of sections 11-113(n) and 26-84(b), which require fire hydrants be installed before construction permits can be issued and construction above the foundation commence, as well as relief from the appeals process contained in the Code.

In order to mitigate any dangers that may arise as a result of the absences of working fire hydrants, Cloud Construction has agreed as follows:

- To release and indemnify the City of Killeen from liability for fire damage to the structure, as well as from any damage or harm to any person or property that may arise as a result of this temporary relief;
- To comply with all-weather access road requirements;
- To install only noncombustible materials;
- Not to commence with any roof/floor deck that will create confined spaces; and
- To have portable fire extinguishers on site while working.

Staff recommends that Council consider the request to grant relief to KISD and Cloud Construction, and, if granted, that such relief be conditioned upon Cloud Construction's compliance with the bulleted items, above.

Motion was made by Councilmember Kilpatrick to approve RS-16-070. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.

Ordinances

OR-16-008 Consider an ordinance amending fees for room rental rates at the Killeen Community Center.

Staff comments: Brett Williams

The purpose of the revised fee structure is to address the various types of groups and meetings that may be hosted at the facility and to ensure that the Community Center remains a viable meeting facility for many years. It also establishes a system of accountability. Staff recommends City Council approve an ordinance amending Chapter 2, Article VI, of the City of Killeen Code of Ordinances, by amending Section 2-150 (j) Parks, as it relates to rental rates for the Killeen Community Center.

Motion was made by Councilmember Rivera to approve OR-16-008. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

OR-16-009 Consider an ordinance granting a gas franchise to Atmos Energy Corporation. (1st of 3 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

Staff comments: Traci Briggs

In 1996, the City granted a twenty-year gas franchise to Lone Star Gas. Lone Star's successor, Atmos Energy Corporation, seeks to establish a new franchise upon the expiration of the current franchise later this year. The franchise term is proposed to be fifteen (15) years, with an automatic five-year (5) renewal unless notice to terminate or renegotiate is given by either party 120 days before expiration. The City Charter requires three (3) readings of a franchise ordinance, and the last reading must be not less than 30 days from the first. The three readings will be June 14, July 12, and July 26. A franchise does not take effect until 60 days after passage. It is proposed that this ordinance be effective October 1, 2016.

Staff recommends the City Council approve the proposed franchise ordinance.

Motion was made by Mayor Pro-Tem Moore to approve the first reading of OR-16-009. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

Public Hearings

PH-16-019 HOLD a public hearing and consider an ordinance requested by CPB Investments (Case #Z16-07) to rezone approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-2"

(Local Retail District) for a Texas Department of Public Safety customer service office.

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-R1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-2 (LOCAL RETAIL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The purpose of this request is to construct a new DPS office due to closing the current DPS office building on Priest.

Staff notified three (3) surrounding property owners regarding this request. Staff has received no responses.

The Planning & Zoning Commission recommended approval of “B-2” zoning by a vote of 5 to 0, with Commissioner Johnson abstaining from voting on the applicant’s request.

Mayor Segarra opened the public hearing.

DPS representative answered questions from council giving an overview on the criteria of how they determine the best locations to build.

AnaLouisa Carrillo-Tapia, address on file (law official) - spoke against the request, concerned about congestion.

Carl Pruitt, 3400 Northcrest Dr. - spoke against the request, concerned about traffic safety.

Rev. Roy T. Samp, 4706 Teal Dr. - spoke against the request, concerned about traffic safety.

With no one else appearing the public hearing was closed.

Councilmember Okray and Councilmember Johnson made a statement for the record. See attached.

Motion was made by Councilmember Rivera to approve PH-16-019. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 1 with Councilmember Johnson opposing.

PH-16-020 HOLD a public hearing and consider an ordinance adopting the 2016-2017 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (First of Two Public Hearings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2016-17 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$907,931.00 IN FY 2016-17 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$937,350.53 OF CDBG FUNDS; AND THE APPLICATION OF \$311,289.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$527,254.39 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Leslie Hinkle

The CDAC met on May 4 and May 5, 2016 to review and make recommendations for proposed use of 2016-2017 CDBG and HOME Program funds on the basis of eligibility, need and priority. Projects undertaken with CDBG and HOME Program funds address goals and objectives established in the Consolidated Strategic Plan and Annual Action Plan to meet affordable housing and community development needs. This item requires two public hearings.

Mayor Segarra opened the public hearing.

Maureen Jouett, 2310 Davis - spoke in favor of the recommendations and gave an overview of what her organization does.

With no one else appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Moore to approve the first reading of PH-16-020. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 7:22 p.m.

For the record I am very disappointed in the way that this zoning case was presented to me as a planning and zoning commissioner and now as a city council member.

While I think the proposed facility would provide a great relief for our citizens as well as provide them with a more streamlined customer service experience, I still prefer a more centralized location for all of our citizens to enjoy.

Best,

Gregory Johnson
Killeen At Large City Council Member
254-702-5162
Gregoryforkilleen@gmail.com

MEMORANDUM FOR RECORD

PH-16-019

6/14/2016

For the record, I support this consideration, but I totally abhor that the council was left wanting of key and specific information regarding the Department of Public Safety intent to operate only one facility in Killeen. Our community cannot go, altogether, without the services that the office provides. Not telling me all the information served to widen the wedge of distrust between those who are elected to make decisions and those who provide the information in order to make the decision. I have sat here the previous four years and have primed, pumped, and pulled information in order to make well-reasoned decisions that may be relayed cogently. I am beyond irritation in these tasks. It should not be this way. There should not be a stone unturned in the deliberative process because we are stuck with the consequence of our decisions. There seems to be an endemic to blame the free press for reporting what we do not adequately articulate. What we have here, is a failure to communicate accurately. In order to tell the story, we need to tell the whole story. If we tell the whole story there will be not story but the story we tell.

I hope that the balm of intellectual honesty (that is honesty in the acquisition, analysis, and transmission of ideas) is released so that intellectual honesty will become more frequent in our course of public discourse. If not, I will through the office of the City Manager, work to affect that reality, to root out and rid the organization of the causes that precipitate misdirection, miscommunication, on non-communication. "There are disincentives to intellectual honesty. Academics may find themselves pressured to argue for the stances of their benefactors, including governments and private entities that fund grants (in fact, this is trained into them in education, as the same pressures are exerted by teachers and professors upon their students). Judges may face political pressure to render a judicial opinion endorsing a legal argument that they know to be flawed. Auditors may issue a favorable opinion of a company's financial statements, despite having serious misgivings about their adherence to generally accepted accounting principles, in order to continue receiving business from that company. (In general, perverse incentives and conflicts of interest provide highly fertile ground for intellectual dishonesty.)

The more complicated the issue and the murkier the facts, the easier it may be for an intellectual to get away with presenting a plausible but flawed argument. In a world where people, including intellectuals, often pursue incentives more eagerly than they seek after high ideals, it is important that ways be found to make the interests of intellectuals coexist with the interests of those whose well-being depends on their intellectual honesty, if intellectual dishonesty is to be consistently avoided." (http://rationalwiki.org/wiki/Intellectual_honesty).

Jonathan L. Okray



COK, Concilmember at-Large



City of Killeen

Legislation Details

File #: MN-16-015 **Version:** 1 **Name:** Minutes of Special City Council Meeting of June 21, 2016
Type: Minutes **Status:** Minutes
File created: 6/22/2016 **In control:** City Council
On agenda: 6/28/2016 **Final action:**
Title: Consider Minutes of Special City Council Meeting of June 21, 2016.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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City of Killeen
Special Called City Council Meeting
Utility Collections Conference Room
June 21, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Juan Rivera, Shirley Fleming, Gregory Johnson, and Jonathan Okray

Absent: Jim Kilpatrick

Also attending were Interim City Manager Lillian Ann Farris, Deputy City Attorney Traci Briggs, City Secretary Dianna Barker, and Sergeant-at-Arms G. Hennig.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Rivera. The motion carried 5 to 0.

The City Secretary swore in Richard Young, the newly appointed Council Member to District 2. The previous District 2 Council Member, Jose Segarra, resigned to run for Mayor in the May 2016 election. Councilmember Young took his seat at the Council table for the workshop to follow.

Adjournment

With no further business, upon motion being made by Councilmember Fleming, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 5:03 p.m.



City of Killeen

Legislation Details

File #: RS-16-071 **Version:** 1 **Name:** Family Recreation Center Fitness Equipment
Type: Resolution **Status:** Resolutions
File created: 5/14/2016 **In control:** City Council
On agenda: 6/28/2016 **Final action:**
Title: Consider a memorandum/resolution authorizing a lease for fitness equipment at the Family Recreation Center.
Sponsors: Community Services Department
Indexes:
Code sections:
Attachments: [Council Memorandum Agreement](#)
[Out Fit Quote](#)
[Push Pedal Pull Quote](#)
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
6/21/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Authorize a lease for fitness equipment at the Family Recreation Center.

ORIGINATING DEPARTMENT

Community Services / Parks and Recreation

BACKGROUND INFORMATION

The Family Recreation Center opened in May of 2008. The facility features 5,400 square feet of fitness space. The facility is equipped with cardiovascular machines, weight resistance machines, and free weights. The initial equipment purchase for the facility totaled \$185,000; \$165,000 of this funding has been provided by the Tommie Harris Foundation.

In June of 2013, City Council authorized a lease for cardiovascular equipment at the facility to replace the original equipment that had begun to malfunction due to age. The lease represented a change in the approach of maintaining the cardiovascular equipment at the facility. The lease option was determined to be a more viable means to maintain and fund the cardiovascular equipment in the facility.

DISCUSSION/CONCLUSION

The existing lease agreement for cardiovascular equipment at the Family Recreation Center expires in June of 2016. In 2013 the decision was made to procure cardiovascular equipment via the lease option to allow for the replacement of aging, worn and failing equipment with new equipment that is covered via a maintenance agreement. With the expiration of the existing lease, the City will now begin to incur all the fees associated with maintenance of the equipment.

The cardiovascular equipment is the most highly utilized equipment in the facility. Maintenance issues related to cardiovascular equipment are the most frequently occurring and are usually the most expensive. The ability to meet the needs of our current members and continue to attract new members is directly related to the age, quality, and functionality of cardiovascular equipment.

The utilization of a lease for cardiovascular equipment allows the Family Recreation Center to maintain cardiovascular equipment that meets the needs of customers, minimizes the fiscal impact, and eliminates maintenance costs over the duration of the lease. Staff identified nine treadmills, three EFX (elliptical), two recumbent bikes, two AMT (cross trainers), two stair mills, and one upright bicycle as needing to be replaced at the Family Recreation Center.

The city is a member of various purchasing cooperatives; purchases made through these cooperatives satisfy the city's bidding requirements. Team Marathon Fitness is a member of the BuyBoard. They offer the best value (\$118,426.39) to meet the equipment needs of the Family Recreation Center. Pricing was obtained from two additional companies for the identical equipment and timeframe: Out Fit (\$122,705.07) and Push Pedal Pull (\$119,125.00).

FISCAL IMPACT

The existing equipment that was included in the expiring lease will be traded back to the vendor for a credit in the amount of \$14,500. Funds in the amount of \$9,400 are available in the Designated Expenses / Lease Payments account (010-3026-425-5048) for the initial payment. The total amount of the equipment lease for the duration of the contract will be \$118,426.39. The remaining \$109,026.39 costs will be incurred over the next three budget years, with the annual payment being \$36,342.13.

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute a contract with Team Marathon Fitness for the lease of cardiovascular / fitness equipment for the Family Recreation Center in the amount of \$118,426.39. The City Manager is further authorized to execute any change orders in the amounts allowed by state law.



3665 Park Central Blvd North
Pompano Beach, FL 33064
Toll-Free 1-800-949-0018 ext 206
Fax 1-954-725-3325

Allstate Capital Quotation

Prepared for City of Killeen

Thank you for giving Allstate Capital the opportunity to provide leasing for your future equipment acquisition. The quotation below is subject to credit approval. If you have not already completed our credit application, please complete the attached application and fax or mail it back to us as soon as possible.

We are pleased to offer you the following lease option(s) for your Equipment from **Marathon Fitness**

Lease Option 1: Equipment Cost: \$109,837.70

Terms: Term: Annual Payments
\$1.00 Residual
1st Payment Required In Advance

Stream of Payments: 1st Payment of \$9,400.00 - Due July 1st, 2016
Followed by: 2nd Payment of \$36,342.13 - Due October 1st, 2016
3rd Payment of \$36,342.13 - Due October 1st, 2017
4th Payment of \$36,342.13 - Due October 1st, 2018

If the installation date changes, we can modify the payment stream so we can keep your main billing date of October 1st. After you have made the payment on October 1st, 2018 you will take ownership of the equipment.

The above quote(s) are valid for thirty days. Payment amount does not include applicable sales tax. Processing the credit approval normally takes two to three business days from receipt of the application. To expedite matters, please fax the completed application as soon as possible. Pricing is valid for 30 days and based on final credit approval.

You will find that we work very efficiently in our effort to provide the leasing services you require. I look forward to working with you and being of service. Please give us a call if you any questions.

Sincerely,

Marco Ramazio
800-949-0018 x206

Property Schedule 1 to Municipal Lease and Option Agreement

This **Property Schedule** is entered into pursuant to Municipal Lease and Option Agreement dated as of April 19, 2016 between Lessor and Lessee.

1. **Interpretation.** The terms and conditions of the Municipal Lease and Option Agreement (the "Agreement") are incorporated herein.
2. **Property Description.** The Property subject to this Property Schedule is described in Exhibit A, attached hereto.
3. **Term and Payments.** Lease Term and Lease Payments are per the table below. Lessee shall have the option to prepay the Lease Payments due under this Property Schedule on any Payment Date by paying the Purchase Price shown in the table below, plus any other amounts due and owing at the time of prepayment.
4. **Property Cost.** The total acquisition cost of the Property is \$109,837.70.

Pmt #	Payment Date	Principal Balance	Total Payment	Interest Portion	Principal Portion	Purchase Price *
		109,837.70				
1	At Closing	100,437.70	9,400.00	0.00	9,400.00	Not Available
2	8-Oct-16	65,851.66	36,342.13	1,756.09	34,586.04	69,288.44
3	8-Oct-17	34,014.92	36,342.13	4,505.39	31,836.74	35,198.19
4	8-Oct-18	0.00	36,342.13	2,327.21	34,014.92	0.00
TOTALS			118,426.39	8,588.69	109,837.70	

* Purchase Price after the current lease payment has been made.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Property Schedule to be executed in their names by their duly authorized representatives.

Lessor: Municipal Asset Management, Inc.
By:
Name: Paul E. Collings
Title: President

Lessee: City of Killeen
By:
Name:
Title:

Attest:
By:
Name:
Title:

EXHIBIT B
Certificate of Acceptance to Municipal Lease and Option Agreement

This **Certificate of Acceptance** is pursuant to Municipal Lease and Option Agreement dated as of April 19, 2016 and the related Property Schedule, between Lessor and Lessee (the "Agreement").

1. Property Acceptance. Lessee hereby certifies and represents to Lessor that the Property referenced in the Agreement has been acquired, made, delivered, installed and accepted as of the date indicated below. Lessee has conducted such inspection and/or testing of the Property as it deems necessary and appropriate and hereby acknowledges that it accepts the Property for all purposes. Lessee will immediately begin making Lease Payments in accordance with the times and amounts specified herein. LESSOR MAKES NO (AND SHALL NOT BE DEEMED TO HAVE MADE ANY) WARRANTIES, EXPRESS OR IMPLIED, AS TO ANY MATTER WHATSOEVER, INCLUDING, WITHOUT LIMITATION, THE DESIGN, OPERATION OR CONDITION OF, OR THE QUALITY OF THE MATERIAL, EQUIPMENT OR WORKMANSHIP IN, THE PROPERTY, ITS MERCHANTABILITY OR ITS FITNESS FOR ANY PARTICULAR PURPOSE, THE STATE OF TITLE THERETO OR ANY COMPONENT THEREOF, THE ABSENCE OF LATENT OR OTHER DEFECTS (WHETHER OR NOT DISCOVERABLE), AND LESSOR HEREBY DISCLAIMS THE SAME; IT BEING UNDERSTOOD THAT THE PROPERTY IS LEASED TO LESSEE "AS IS" ON THE DATE OF THIS AGREEMENT OR THE DATE OF DELIVERY, WHICHEVER IS LATER, AND ALL SUCH RISKS, IF ANY, ARE TO BE BORNE BY LESSEE.

2. Bank Qualification. Lessee designates this Property Schedule as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended. Lessee reasonably anticipates issuing tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds and including all tax-exempt obligations of subordinate entities of the Lessee) during the calendar year this Property Schedule was funded, in an amount not exceeding \$10,000,000.
_____ Lessee initial here, only if Bank Qualification is applicable.

IN WITNESS WHEREOF, Lessee has caused this Certificate of Acceptance to be executed by their duly authorized representative.

Acceptance Date:
Lessee: City of Killbuck
By:
Name:
Title:

MUNICIPAL ASSET MANAGEMENT, INC.

25288 FOOTHILLS DRIVE NORTH
GOLDEN, CO 80401
PHONE: 303-273-9494
FAX: 303-273-9505
EMAIL: PECOLLINGS@MAMGT.COM

INVOICE

INVOICE NO: 04192016W1
DATE: April 19, 2016

To: City of Killeen
1700 East Stan Schlueter Loop
Killeen, TX 76542

TERMS
Due At Closing

DESCRIPTION	AMOUNT
First Payment for Municipal Lease and Option Agreement dated as of April 19, 2016 between Municipal Asset Management, Inc., Lessor and City of Killeen, Lessee.	\$9,400.00

SUBTOTAL	\$9,400.00
TOTAL DUE	\$9,400.00

Please make check payable to Municipal Asset Management and mail it to the following address:

25288 Foothills Drive North
Golden, CO 80401

IF YOU HAVE ANY QUESTIONS CONCERNING THIS INVOICE, CALL: MUNICIPAL ASSET MANAGEMENT, PAUL COLLINGS, 303-273-9494

THANK YOU FOR YOUR BUSINESS!

EXTRAORDINARY



Marathon Fitness

P.O. Box 17705
 www.MarathonFitness.com
 Sugar Land, TX 77496
 Tel:(800) 391-9496 Fax:(888) 240-9360

Sales Proposal

Date Jun 6, 2016	Page Page 1 of 2
Proposal Number QT0006772	

Marathon Fitness

Fitness Center Specialists

Bill To:

M0142-City of Killeen
 P.O. Box 1329
 Killeen, TX 76540

Ship To:

Killeen Lions Club (PM)
 1700 E. Stan Schleuter Loop, Bldg. A
 Killeen, TX 76540
 Ryan Long

Salesperson	Proposal Valid Until	Terms
Demariee Anderson	8/5/2016	Net 30

Qty.	Item Number	Description	Unit Retail	Sales Price	Extended Price
9	TRM 835 V2	TRM 835 Treadmill, 120v - P30 Console, Version 2	\$ 8,755.00	\$ 6,128.50	\$ 55,156.50
2	RBK 835	RBK 835 Recumbent Bike, P30 Console	\$ 4,175.00	\$ 2,866.50	\$ 5,733.00
1	UBK 835	UBK 835 Upright Bike, P30 Console	\$ 3,865.00	\$ 2,656.50	\$ 2,656.50
3	EFX 835	EFX 835 - Dual action w/adjustable Crossramp® - P30 Console	\$ 7,495.00	\$ 5,246.50	\$ 15,739.50
2	AMT 835 - OS	AMT 835 - Adaptive Motion Trainer- P30 Console OPEN STRIDE30 Console	\$ 9,395.00	\$ 6,576.50	\$ 13,153.00
17	PHTCLCAP3210XX105	Audio Entertainment Cap - 900 MHz integrated wireless audioreceiver for P30 &P20 consoles	\$ 199.00	\$ 159.20	\$ 2,706.40
9	XTRM P10/30 TRMP3L3	Extended Warranty Treadmill P10/30 Console with 915MHZ Receiver 3 Years Parts/3 Years Labor	\$ 999.00	\$ 999.00	\$ 8,991.00
3	XBIKE P10/30 BIKEP3L3	Extended Warranty RBK/UBK P10/30 Console with 915MHZ Receiver 3 Years Parts/3 Years Labor	\$ 499.00	\$ 499.00	\$ 1,497.00
3	XEFX P10 /30 EFXP3L3	Extended Warranty EFX P10/30 Console with 915MHZ Receiver 3 Years Parts/3 Years Labor	\$ 549.00	\$ 549.00	\$ 1,647.00
2	XAMT P10/30 AMTP3L3	Extended Warranty AMT P10/30 Console with 915MHZ Receiver 3 Years Parts/3 Years Labor	\$ 549.00	\$ 549.00	\$ 1,098.00
2	9-5250-8G-LCD	8-Series Gauntlet w/LCD Display (no TV)*** 3 years parts/labor warranty	\$ 7,260.00	\$ 5,501.20	\$ 11,002.40
2	PGR9XTL020100GEN	Cardio Theater xTV Receivers 900 MHz External Wireless Receiver includes 1 power cord per receiver; specify 1 option below for C-Safe Cord)...[CXECSS101 (Short CSAFE cable)]...or...[CXECSS101 (Long CSAFE cable)]...or...[CXKIT008101 (12V power cable)]	\$ 139.00	\$ 111.20	\$ 222.40
1	FREIGHT	Freight	\$ 2,860.00	\$ 2,860.00	\$ 2,860.00
1	EQUIP INSTALL	Equipment Installation	\$ 1,875.00	\$ 1,875.00	\$ 1,875.00

Quotation continued on next page ...



EXHIBIT 7



Marathon Fitness

P.O. Box 17705
 www.MarathonFitness.com
 Sugar Land, TX 77496
 Tel:(800) 391-9496 Fax:(888) 240-9360

Sales Proposal

Date Jun 6, 2016	Page Page 2 of 2
Proposal Number QT0006772	

Marathon Fitness

Fitness Center Specialists

Bill To:

M0142-City of Killeen
 P.O. Box 1329
 Killeen, TX 76540

Ship To:

Killeen Lions Club (PM)
 1700 E. Stan Schleuter Loop, Bldg. A
 Killeen, TX 76540
 Ryan Long

Salesperson Demarree Anderson	Proposal Valid Until 8/5/2016	Terms Net 30
----------------------------------	----------------------------------	-----------------

Qty.	Item Number	Description	Unit Retail	Sales Price	Extended Price
-1	TRADE - EQUIPMENT	Trade In Equipment: Delivered July 2013 - Price valid until July 2016 9 - TRM833 (AMWZF12130021, 006,005,012,011,007,017,016,010) 1 - CLM835 (AB34F17130003) 2 - RBK835 (AXHGE22130013, 014) 1 - UBK835 (AYZGE15130008) 3 - EFX835 (ADFXH06120008, 001, ADFH02120051) 3 - AMT835 (AJTEG26120032, 037, 040)	\$ 14,500.00	\$ 14,500.00	\$ -14,500.00
	NOTE	Client replacing 1 climber and 1 amt with 2 stepmills Client keeping 3 - EFX833 (AEXXF1113008, AEXXG09120012, AEXXH6120008)			
	BUY BOARD	BUY BOARD INFORMATION Vendor: Team Marathon Fitness, Address: PO Box 17705, Sugar Land, TX 77496 Phone: (281) 565-2307, Contact: Paul Croegaert, Email: paul@marathonfitness.com Federal ID: 68- 05446644, Contract: Athletic, PE & Gym. Supplies H.D. Exercise Eq. & Accessories #502-16, Effective Date: 4/1/2016			
	NOTE	***Open Market			

Subtotal	\$ 109,837.70
Sales Tax 0.00%	\$ 0.00
Total	\$ 109,837.70

I accept the terms and conditions of this proposal. Prices are valid for 30 days. Equipment remains the property of Marathon Fitness until paid in full.

Signature: _____ PO# _____

Printed Name: _____ Title: _____

DELIVERY INSTRUCTIONS:

Must arrive by ___ / ___ / _____ Loading Dock: Yes ___ No ___

Elevator: Yes ___ No ___

Frame: _____ Upholstery: _____





Out-Fit
25 W. Easy Street
Suite 304
Simi Valley, CA 93065
t. 800-376-3339 f. 310-410-1210

Quote

Date	Number
5/12/2016	21222
Prepared By:	
Chris Fisher (805) 320-6619 cfisher@out-fit.net	

Bill To	Ship To
M0142-City of Killeen PO Box 1329 Killeen TX 76540 Phone	Ryan Long Killeen Lions Club 1700 E. Stan Schleuter Loop Bldg A Killeen TX 76540 Phone

Payment Terms	Desired Delivery Date	Est. Lead Time	Sales Consultant
Payment upon Order	8/1/2016	6-8 Weeks	Chris Fisher

Qty	Vendor	Item	Description	List Price	Unit Price	Ext. Price
9	Precor USA	TRM835.v2 - P30	Treadmill - P30 console	8,755.00	6,741.35	60,672.15
2	Precor USA	RBK835-P30	Recumbent Cycle - P30 console	4,175.00	3,153.15	6,306.30
1	Precor USA	UBK835-P30	Upright Cycle - P30 console	3,865.00	2,922.15	2,922.15
3	Precor USA	EFX835-P30	EFX- Moving handlebar w/adjustable Crossramp- P30 console	7,495.00	5,771.15	17,313.45
2	Precor USA	AMT835OS-P30	Precor Adaptive Motion Trainer - Open Stride - P30 console	9,395.00	7,234.15	14,468.30
17	Precor USA	900MHz P30/P20	Audio Entertainment Cap - 900 MHz integrated wireless audio recvr for P30 & P20 consoles	199.00	175.12	2,977.04
9	Precor USA	TRMP3L3	Warranty, TRM, EXT 3/3	999.00	1,098.90	9,890.10
3	Precor USA	BIKEP3L3	Warranty, BIKE, EXT 3/3	499.00	548.90	1,646.70
3	Precor USA	EFXP3L3	Warranty, EFX, EXT 3/3	549.00	603.90	1,811.70
2	Precor USA	AMTP3L3	Warranty, AMT, EXT 3/3	549.00	603.90	1,207.80
2	Core Health &	150015 - D1	StairMaster Gauntlet - D-1 Console Backlit LCD	6,299.00	5,543.12	11,086.24
2	Precor USA	PGR9XTL020	900 MHz External Wireless Receiver	139.00	122.32	244.64

TOTAL PREFERRED CLIENT DISCOUNT \$44,280.43



Quote

Out-Fit
25 W. Easy Street
Suite 304
Simi Valley, CA 93065
t. 800-376-3339 f. 310-410-1210

Date	Number
5/12/2016	21222

Bill To	Ship To
M0142-City of Killeen PO Box 1329 Killeen TX 76540	Ryan Long Killeen Lions Club 1700 E. Stan Schleuter Loop Bldg A Killeen TX 76540

Qty	Vendor	Item	Description	List Price	Unit Price	Ext. Price
1		100GEN	(includes C-Safe cable or 6V adaptor kit)			
		IDA	Installation, Delivery and Assembly	2,062.50	2,062.50	2,062.50
1		Trade In	Trade In Equipment: \$ -14,500.00		-13,050.00	-13,050.00
			Delivered July 2013 - Price valid until July 2016			
			9 - TRM833			
			(AMWZF12130021,			
			006,005,012,011,007,017,016,010)			
			1 - CLM835 (AB34F17130003)			
			2 - RBK835 (AXHGE22130013, 014)			
			1 - UBK835 (AYZGE15130008)			
			3 - EFX835 (ADFXH06120008, 001,			
			ADFH02120051)			
			3 - AMT835 (AJTEG26120032, 037, 040)			

Subtotal	119,559.07
Freight (From Factory)	3,146.00
Total	\$122,705.07

Quote expires 30 days from the Quote date. Customer's signature and a 50% deposit required to process order unless otherwise specified. Buyer agrees to prices, specifications, standard terms & conditions of sale. Out-Fit's standard terms and conditions can be viewed at www.out-fit.net or by faxing a request to 310-410-1210. All orders are to be treated as custom and made to order. Restocking or storage fees may apply. All orders are FOB from Out-Fit's facility. Freight, Delivery and Installation quotes are estimates and are subject to change as a result of a site survey. Additional fees may apply.

Signature _____ Date _____

Print Name _____ Title _____

Proposal



2300 W 41st Street - Sioux Falls, SD 57105
Phone: 605-759-4803 Fax: 605-370-5576

Number:	1
Prepared by:	Nathan Meyer
Email:	nmeyer@pushpedalpull.com
Phone:	605-759-4803
Mobile:	605-759-4803

SHIP TO INFORMATION				BILL TO INFORMATION			
Company:	Killeen Lions Club			Company:	City of Killeen		
Location Contact:	Ryan Long			Purchaser Contact:			
Address:	1700 E Stan Schleuter Loop - Bldg A			Address:			
City:	Killeen			City:			
State:	TX	Zip Code:	76540	State:	TX	Zip Code:	
Location Phone:	Cell:			Purchaser Phone:			
Location Fax:				Purchaser Fax:			
Additional Contact:				Email:			
Alternative Phone:				Additional Info:			
Date:	Version:	PO#	Layout	EXEMPT #		Expected Delivery Date:	
6/16/2016	1		<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="checkbox"/>			
PRODUCT INFORMATION							
QTY	SKU	Description	Frame	Pads	List	Discounted Price	Extend Price
9	TRM835	Precor 835 Treadmill - V2				\$6,349.00	57,141.00
2	RBK835	Precor 835 Recumbent Bike				\$2,995.00	5,990.00
1	UBK835	Precor 835 Upright Bike				\$2,795.00	2,795.00
3	EFX835	Precor 835 EFX Elliptical				\$5,495.00	16,485.00
2	AMT835	Precor 835 AMT w/ Open Stride				\$6,795.00	13,590.00
17	CAP3210	Audio Entertainment Cap - 900 Mhz Integrated				\$175.00	2,975.00
9	XTRM	Treadmill - 3yr Extended Warranty				\$999.00	8,991.00
3	XBIKE	Bike - 3yr Extended Warranty				\$499.00	1,497.00
3	XEFX	EFX - 3yr Extended Warranty				\$549.00	1,647.00
2	XAMT	AMT - 3yr Extended Warranty				\$549.00	1,098.00
2	150015	Stairmaster Gauntlet w/ D Console				\$5,549.00	11,098.00
2	KI36D	Safeware 3 Yr Extended Warranty				\$462.00	924.00
2	20100GEN	Cardio Theater 900 Mhz Receivers				\$135.00	270.00
							-
							-
		Trade-Ins					-
1	TRADE-IN	9 - TRM833				-\$10,500.00	(10,500.00)
		1 - CLM835					-
		2 - RBK835					-
		1 - UBK835					-
		3 - EFX835					-
		3 - AMT835					-
							-
							-
							-
							-
							-
							-
							-
						Equipment Total:	\$ 114,001.00
Special Instructions & Notes						Trade In:	
Thank you for your business - Nate						Factory Freight:	\$ 2,975.00
						Delivery/Installation:	\$ 2,149.00
						Disposal Fee:	
						Subtotal:	\$ 119,125.00
						Tax:	\$ -
						Maintenance Agreement:	
INVOICE # :						Total:	\$ 119,125.00
Authorized Signature:				Date:			

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
 2016-65170

Date Filed:
 06/02/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Marathon Fitness
 Stafford, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Killeen

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

QT0005809
 Fitness Equipment

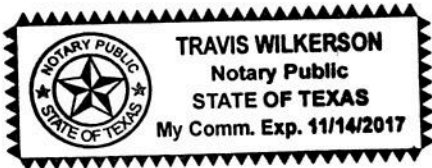
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



AFFIX NOTARY STAMP / SEAL ABOVE

[Signature]

 Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said ADEELA Yunus., this the 2 day of June, 2016, to certify which, witness my hand and seal of office. *(For Marathon Fitness)*

[Signature]

 Signature of officer administering oath

Travis Wilkerson

 Printed name of officer administering oath

Banker

 Title of officer administering oath



City of Killeen

Legislation Details

File #: RS-16-072 **Version:** 1 **Name:** Utility Audit
Type: Resolution **Status:** Resolutions
File created: 5/16/2016 **In control:** City Council
On agenda: 6/28/2016 **Final action:**
Title: Consider a memorandum/resolution to enter into an agreement with TriStem to conduct an assessment or audit of prior utility billing and payments.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum Agreement](#)
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
6/21/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Utility Audit Contract

ORIGINATING DEPARTMENT

Finance

BACKGROUND INFORMATION

In recent years, the market for energy has been volatile and prices have steadily risen. Because light and power expenses are one of the City's largest operating costs, rising energy costs can significantly impact City operations and services. Additionally, billing errors and duplicate billings may inflate energy costs. All of these considerations underscore the importance of planning and monitoring energy costs and has led the City staff to investigate avenues to assess or audit the City's utility costs.

DISCUSSION/CONCLUSION

Tri-Stem was originally contracted to perform a utility audit in 2005, and the agreement was renewed in 2011. The attached agreement calls for Tri-Stem to conduct an audit and assessment of the City's prior utility billing and payments. Their work will include a review for billing errors, inaccurate charges, and duplicate billings. In addition, TriStem will perform a physical inventory of the City's street lights, utility poles, and meters, as well as reconcile the inventory to utility invoices. TriStem will provide proof and substantiate any legitimate requests for refunds from the utility vendors. They will also negotiate on the City's behalf for reimbursement. There is no initial cost to the City for TriStem's services. When a recovery is made and reimbursement received, TriStem will receive forty-five percent (45%) of the refund; the city will receive fifty-five percent (55%) of the refund. When future savings are identified, TriStem will receive forty-five percent (45%) of approved and implemented savings for a period limited to twelve (12) months.

FISCAL IMPACT

There is no fiscal impact to the City unless a recovery is made. The City's share of any refunds will be credited to a revenue account in the fund for which the recoveries were related.

RECOMMENDATION

Staff recommends that the City Council approve entering into the attached agreement with TriStem to conduct a utility audit, and that the City Manager be expressly authorized to execute any and all changes to this contract within the amounts set by state and local law.



CONSULTING AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 20____, by and between _____, hereinafter referred to as **CLIENT**, and **TRISTEM, LTD.**, hereinafter referred to as **TRISTEM** or **CONSULTANT**, and covers the relationship of **CONSULTANT** and **CLIENT**.

TRISTEM will conduct an audit and study of prior utility billing and payments to determine that amounts paid have been accurate. **TRISTEM** will also inform **CLIENT** if there are alternative rates under which **CLIENT**'s accounts would incur savings. **TRISTEM** will notify **CLIENT** of the results of the audit and study and will seek to obtain refunds for any past overbillings which **TRISTEM** determines have occurred, and will seek to recover underpayments that have occurred from **CLIENT**'s agreements with franchised utilities. As a fee for these services, **CLIENT** agrees to pay **TRISTEM** 45% of any funds **CLIENT** receives from its utility providers as a result of **TRISTEM**'S services or audit process, or any part thereof, plus 45% of any approved and implemented savings (billing reductions) resulting from **TRISTEM**'S work for a period of twelve (12) months beginning with the first month during which savings are realized.

CONSULTANT'S fee is not due until **CLIENT** receives funds from utility provider(s). **CLIENT** agrees to pay **CONSULTANT**'S fee within ten days of receipt of refund, whether refund is in the form of cash, credit to accounts, in-kind contributions or any other form of payment or reimbursement. If future considerations are given in lieu of refunds, **TRISTEM** will receive the same percentage of the value of the future considerations, as **TRISTEM** would have received for refunds obtained.

CLIENT retains **TRISTEM** for audit services for (please check desired services):

- Electric (including street lights)
- Natural Gas
- Water
- Sewer
- Waste
- Telecommunications (including local, long distance and cellular)
- Franchise Revenue (electric and gas)

AGREED AND ACCEPTED:

CLIENT: _____

BY: _____
Signature Title

DATE: _____

TRISTEM, LTD.

BY: _____
Signature Title

DATE: _____

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
 CERTIFICATION OF FILING**

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

TriStem, Ltd.
 Hewitt, TX United States

Certificate Number:
 2016-56440

Date Filed:
 05/16/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Killeen

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

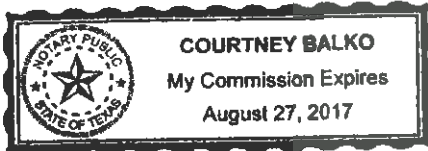
Utility Bill Audit
 Audit of the City's past utility bill payments and franchise fees.

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	ETRGS	Lockhart, TX United States		X
	Seeber, Joe	Hewitt, TX United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



X Shishu Murch

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Courtney Balko this the 16th day of May 20 16, to certify which, witness my hand and seal of office.

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath



City of Killeen

Legislation Details

File #: RS-16-073 **Version:** 1 **Name:** ICM Salary Adjustment
Type: Resolution **Status:** Resolutions
File created: 6/16/2016 **In control:** City Council
On agenda: 6/28/2016 **Final action:**
Title: Consider a memorandum/resolution providing a temporary salary adjustment to Interim City Manager Lillian Ann Farris.
Sponsors: Human Resources Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Temporary Salary Adjustment to Interim City Manager Lillian Ann Farris

ORIGINATING DEPARTMENT

CITY COUNCIL

BACKGROUND INFORMATION

Lillian Ann Farris was appointed as Interim City Manager, effective April 5, 2016. The City Council wishes to provide an increase in salary and benefits in recognition of her increased job duties.

DISCUSSION/CONCLUSION

During the time that Dr. Farris acts as Interim City Manager, she will receive the following salary and benefits:

- \$178,532.58 annual salary, paid in equal monthly installments;
- \$12,000 annual contribution to Deferred 457 Retirement Plan, paid in equal monthly installments;
- \$6,000 annual car allowance, paid in equal monthly installments;
- All other benefits to which other city employees may be entitled.

All salary and benefits shall be paid and accrued retroactively to April 5, 2016, and shall continue until 24 hours preceding the reporting date of the next City Manager, at which time she will revert to the position and associated salary and benefits of Assistant City Manager-Internal Services.

RECOMMENDATION

Council recommends that salary and benefits discussed above be approved, effective April 5, 2016, and continue until 24 hours preceding the reporting date of the next City Manager.



City of Killeen

Legislation Details

File #: OR-16-010 **Version:** 1 **Name:** Chapter 31, Article IV, Div. 21 and Div. 22 amendments
Type: Ordinance **Status:** Ordinances
File created: 6/8/2016 **In control:** City Council
On agenda: 6/28/2016 **Final action:**
Title: Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 31, Article IV, Division 21, University District and Division 22, Cemetery District.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Minutes](#)
[Cemetery District Ordinance](#)
[University District Ordinance](#)

Date	Ver.	Action By	Action	Result
6/21/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 31, ARTICLE IV, DIVISION 21, UNIVERSITY DISTRICT AND DIVISION 22, CEMETERY DISTRICT.

ORIGINATING DEPARTMENT

PLANNING AND DEVELOPMENT SERVICES

BACKGROUND INFORMATION

In January 2016, the Mayor appointed an Ad Hoc Committee to review the current University District and Cemetery District zoning regulations. The Ad Hoc Committee consisted of three City Council members, two Planning and Zoning Commissioners, and a representative from both the Veteran's Cemetery and Texas A&M University-Central Texas. Over the course of several meetings, additions and changes were proposed by the Ad Hoc Committee to the current zoning regulations of these two districts. The Ad Hoc Committee's proposed changes were then reviewed and further revised by the Planning and Zoning Commission prior to public comment. The Commission conducted two public hearings on the proposed changes, and public comments and concerns were addressed appropriately. There were no additional changes made as a result of the two public hearings.

DISCUSSION/CONCLUSION

Staff has summarized the proposed changes to the University District and Cemetery District. Specifically, the following items are being proposed:

- A purpose statement for each district has been added;
- Neon and electronic message display signs are excluded;
- Window sign coverage is proposed to cover no more than 25% of the total glass area;
- Building wall sign regulations and sign maintenance requirements are included;
- Parking lot guidelines are included to prevent uncontrolled vehicular movement across parking areas and to increase visual aesthetics;
- Reserved parking spaces in both districts for Purple Heart recipients and Gold Star recipients are recommended;
- Revised architectural design standards and requirements are proposed to encourage the appearance of smaller, human scale buildings;
- Masonry standards and roof standards are clarified;
- Revised landscaping requirements are recommended to increase size, number, and coverage of foliage;
- Within the Cemetery District, on-premises residential use or living quarters in a commercial structure as an allowable use has been removed as it is substantially similar to another allowable use; additionally, business day care and hotel or motel use has been removed.
- Within the University District, a recommendation to exclude credit access businesses is proposed; no outside storage was added to household appliance sales and repair service use; and business day care has been added.

FISCAL IMPACT

There are no fiscal impacts associated with this action.

RECOMMENDATION

The Planning and Zoning Commission recommends that the City Council approve the proposed amendments to the University District and Cemetery District. If approved, the proposed revisions will apply to all new development and redevelopment within these two districts in accordance with the nonconforming use provisions in Chapter 31.

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
JUNE 6, 2016**

**ORDINANCE AMENDMENT
CHAPTER 31, ARTICLE IV, DIVISION 21, DISTRICT “UD”, DIVISION 22,
DISTRICT “CD”**

HOLD a public hearing and consider amendments to the Killeen Code of Ordinances, Chapter 31, Article IV, Division 21, District “UD” (University District) and Division 22, District “CD” (Cemetery District). (Second of Two Public Hearings)

Vice Chair Dorroh requested staff comments.

Senior Planner Charlotte Hitchman stated this is the second of two public hearings. Ms. Hitchman briefed the Commission and the public on the proposed changes to the University District and Cemetery District. The changes would affect new development and they are geared mainly toward commercial uses. Staff recommended approval of the changes to the ordinance.

Vice Chair Dorroh opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Harkin motioned to forward the amendments to Chapter 31, Article IV, Division 21, District “UD” (University District) and Division 22, District “CD” (Cemetery District) Commissioner. Commissioner Beronio seconded the motion. The motion passed 5-0.

Vice Chair Dorroh stated that the amendments to Chapter 31 will be forwarded to City Council with a recommendation to approve.

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE IV, DIVISION 22, CEMETERY DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City of Killeen has declared the application and enforcement of the City's zoning regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council desires to create land use regulations that will help ensure that future development is mutually compatible with surrounding areas and the community as a whole; and,

WHEREAS, the City Council desires to amend district regulations to preserve and enhance surrounding property values, prevent the overcrowding of land and undue concentration of population, to prevent undue overloading of municipal infrastructure, and to promote land use consistent with neighboring properties; and,

WHEREAS, the City Council finds that such amendments are necessary and will provide consistent and even application of zoning regulations to all applicants;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 31, Article IV, Division 22, Cemetery District, of the City of Killeen Code of Ordinances is hereby amended to read as follows:

DIVISION 22. - DISTRICT "CD" CEMETERY DISTRICT

Sec. 31-447. - Purpose

The purpose of the Cemetery District is to preserve and enhance surrounding property values, prevent overcrowding of land and undue concentration of population, and to promote land use consistent with neighboring properties.

Sec. 31-448. - Cemetery district boundary.

The cemetery district regulations apply to all property located in the current or future corporate city limits for a depth of fifteen hundred (1,500) feet at the following locations: east of the State Highway 195 right-of-way for a distance of approximately forty-nine hundred (4,900) feet north of the intersection of State Highway 195 and Chaparral Road; and, east of the State Highway 195 right-of-way for a distance of approximately fifteen hundred (1,500) feet south of the intersection of State Highway 195 and Chaparral Road. The first nine hundred and fifty (950) feet of depth within the district, as measured from State Highway 195, shall be designated for commercial use. The remaining five hundred and fifty (550) feet of depth of this segment shall be designated for mixed-use development, or residential use via a conditional use permit.

(Ord. No. 06-48, § III, 5-9-06; Ord. No. 12-034, § I, 7-10-12)

Sec. 31-449. - Use regulations.

(a) Building on premises in "CD" district shall be used only for the following purposes:

(1) Offices of practitioners of the recognized professions, as herein defined:

- a. Professional building. Any structure used solely for the housing of professional offices of recognized professions.
- b. Professions, recognized. Members of a recognized profession include those persons and customary staff normally considered as professional, and shall be deemed to include doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions.

(2) Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-276(3).

- a. Physical therapy clinic.
- b. Chemical or X-ray laboratory.
- c. Dispensing optician.
- d. Dental laboratory.

(3) Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:

- a. Public access to such incidental uses shall be from the interior of the building.

- b. No parking space shall occupy any part of the required front yard, except as provided in article V, division 3.
- c. Sign standards for this district shall apply to both primary and incidental uses.
- d. No building in this district shall be constructed or altered to produce a storefront, show, window or display window, and there shall be no merchandise visible from the exterior of the building.
- e. No outside storage shall be permitted in this district.

(4) Office, general business.

~~(5) An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.~~

~~(6) Business day care.~~

(7) Bakery shop (retail sales only).

(8) Barbershop, beauty shop to include permanent cosmetics (licensed per Texas Health and Safety Code, chapter 146 amended).

(9) Construction field office and yard: on the job site; for duration of construction only.

(10) Mortuary or funeral chapel.

(11) Drugstore or pharmacy.

(12) Florist (retail) retail sales of flowers and small plants. No flowers or plant raising or outside display or storage.

(13) Cafeteria or catering service.

(14) Restaurant or café (dine in service).

(15) Tennis, swim club, health club or gym.

~~(16) Hotel or motel.~~

(17) Art gallery, bookstore or library.

(18) Mixed-use development, being located nine hundred and fifty (950) feet to fifteen hundred (1,500) feet east of the east right-of-way of State Highway 195, for the commercial and residential use of a building, set of buildings, or neighborhood, where the first floor is designed, constructed and used for commercial use only while allowing access to residential uses.

(b) Any conflict between this district and the districts incorporated herein, or the regulations provided by the other districts, shall be resolved so that the most stringent provision shall control.

(Ord. No. 06-48, § III, 5-9-06; Ord. No. 12-034, § I, 7-10-12)

Sec. 31-450. - Conditional use permit.

The city council by an affirmative majority vote may by ordinance grant a conditional use permit as provided in section 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

(Ord. No. 06-48, § III, 5-9-06; Ord. No. 10-058, § III, 9-28-10; Ord. No. 12-034, § I, 7-10-12)

Sec. 31-451. - Height and area regulations.

No building or structure in district "CD" cemetery district shall exceed forty-five (45) feet in height. The height of any building or structure in this district that exceeds thirty-five (35) feet shall provide an additional one (1) foot to every applicable setback distance for each one (1) foot of additional building or structure height over thirty-five (35) feet.

- (a) *Size of yards.* The size of yards in the district "CD" cemetery district shall be as follows:
 - (1) *Front yard.* There shall be a front yard having a minimum depth of thirty (30) feet. No parking, storage or similar use shall be allowed in required front yards in district "CD," except that automobile parking will be permitted in such yards in accordance with off-street parking requirements.
 - (2) *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining any "R" zoned residential district. Otherwise, no side yard is required. No parking, storage, or similar use shall be allowed in any required side yard or in any required side street yard adjoining any "R" zoned residential district, except automobile parking in accordance with off-street parking requirements.
 - (3) *Rear yard.* There shall be a rear yard having a minimum depth of ten (10) feet. No parking, storage or similar use shall be allowed in required rear yards in district "CD."
- (b) *Size of lot.* There are no limitations to the size of lots in the district "CD" professional business district.

~~(c) *Façade requirements.* All structures within this district shall be constructed with a limestone front façade (required for the first floor only), and eighty percent (80%) stone or brick veneer, stucco, or tempered glass, exclusive of windows and doors, for the remaining exterior walls.~~

(Ord. No. 06-48, § III, 5-9-06; Ord. No. 12-034, § I, 7-10-12)

Sec. 31-452. - Parking, screening device, signs, and exterior lighting requirements.

- (a) Off-street parking and loading spaces shall be provided in the "CD" cemetery district in accordance with the requirements for specific uses set forth in article V, division 3 of this chapter.

- (b) The screening device requirements in the district "CD" cemetery district shall be the same as required in the "B-1" district except that screening shall be required before the use of any commercial structure when such property abuts a residential zoned property or property used solely for residential purposes.
- (c) No off-premises signs, neon signs-or EVMS signs shall be permitted in this district. Signage in this district shall follow the stadarnds outlined below:
- (1) On-premises signs are restricted to one (1) sign per lot, except that premises which have more than three hundred (300) feet of combined frontage along a public way or street, other than an alley, may have not more than one (1) additional sign for each additional three hundred (300) feet of frontage or fraction thereof. The permitted sign shall be set back ten (10) feet from the property line, shall not exceed ten (10) feet in height, the face shall not exceed 100 square feet and the sign shall be constructed of ~~limestone~~-masonry material to match the building facade.
 - (2) Window signs shall not cover more than twenty-five (25) percent of the total glass area of the window on which they are placed. The size is determined by an imaginary square or rectangle that encompasses the window sign graphics. A glass door shall be considered a separate window for the purpose of this section.
 - (3) The maximum size for signage on the front of a building is based on the following guideline: For every one (1) linear foot of building primary or entry frontage one (1) square foot of sign area is allowed. For multi-tenant buildings one and one-half (1.5) square feet of sign area is allowed for every one (1) linear foot of building primary or entry frontage. Signs on secondary or side-street frontages should not exceed the size of sign on the primary or entrance frontage.
 - (4) Sign Maintenance:
 - (A) Signs and sign supports shall be kept in good repair and preserved.
 - (B) Display surfaces of signs shall be kept neatly painted at all times.
 - (C) Painted signs shall be re-painted routinely so as to prevent peeling paint.
 - (D) Electrical components of signs must be protected from exposure to weather at all times unless they are designed for such exposure.
 - (E) Electrical circuits to signs that are no longer in use shall be disconnected at the electrical panel and shall be removed.
- (d) Any person wishing to install or use exterior lighting for non-residential, mixed-use, and multi-family structures shall first request a site plan review and obtain approval for such lighting by the building official. The site plan shall fully comply with the general regulations of this section and shall specify the location, height and type of all exterior lighting.
- (1) The height of exterior lighting, except streetlights in public rights-of-way, shall not exceed twenty (20) feet.
 - (2) Light trespass, defined as unwanted light shining on adjacent property or public rights-of-way, has a negative impact on the enjoyment and value of the affected adjacent

property, is declared to be unlawful. All exterior lighting in the cemetery district shall be shielded or oriented in a manner that ensures that all illumination is contained on the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner that the light emission shall not cause light trespass observable from adjoining streets and other properties.

- (3) Exterior lighting situated in such a manner as to be mistaken for traffic signals or presenting any hazard to safe driving is prohibited.
- (4) Up-lighting is prohibited, except:
 - (A) Up-lighting, defined as the practice of installing, maintaining or operating exterior lighting in such a way that the lighting fixtures direct the illumination upward, may be installed adjacent to flagpoles to illuminate a flag if the lighting is installed and directed in such a manner that the illumination is targeted directly at the flag and does not otherwise cause a light trespass or a driving hazard.
 - (B) Up-lighting of sculptures, structures and landscape features for ornamental purposes that enhance the character of the area is permitted provided that the lighting does not create light trespass or a hazard to safe driving.
- (5) Canopy lighting shall be fully shielded or recessed so that the lenses of the lights are, at a minimum, flush with the bottom surface of the canopy.
- (6) This section shall not apply to the following types of lighting if the use thereof is approved in writing by the building official:
 - (A) Unshielded lighting may be used if it can be shown that the luminary will not cause a light trespass or a driving hazard.
 - (B) Lighting for special activities where the lighting need is temporary rather than lighting utilized continuously.

(e) Parking lot islands with a canopy tree in each should be at the end of each parking row. An additional parking lot island with a canopy tree shall be added to each parking row for every 15 spaces or fraction thereof. Canopy trees shall be in accordance with the landscaping requirements set forth in sec. 31-454. The islands shall have raised curbing not less than six (6) inches in height and an area of not less than 180 square feet for single parking row end islands or 360 square feet for double row parking end islands.

(f) Bay dividers shall be provided in order to prevent uncontrolled movement across parking areas, to separate the parking areas from the adjacent property, and to increase the safety of individuals using the parking lot. Dividers shall be provided on every other parking row and conform to one of the following standards:

- (1) Raised dividers shall have raised six-inch curbing and be a minimum of six (6) feet in width measured from face of curb to face of curb and tie in with the end island to provide safety for pedestrians.
- (2) Raised dividers that are landscaped shall have raised six-inch curbing and be a minimum of seven (7) feet in width and tie in to the end island.

(g) Parking slots in the numbers provided in the table below shall be reserved for each of the following groups per parking lot: Purple Heart recipients, Gold Star recipients. All spaces shall be located adjacent to required handicapped parking space(s). Purple Heart and Gold Star signs should conform to criteria promulgated by the Executive Director of Planning and Development Services or designee.

<u>3 to 50 slots:</u>	<u>1</u>
<u>51 to 75 slots:</u>	<u>2</u>
<u>76 to 100 slots:</u>	<u>3</u>
<u>100 and above:</u>	<u>4</u>

(Ord. No. 06-48, § III, 5-9-06; Ord. No. 12-034, § I, 7-10-12)

~~Sees. 31-453—31-455.—Reserved.~~

Sec. 31-453. – Architectural design standards and requirements.

- (a) Big box buildings, such as department stores, variety stores, warehouse retail centers, grocery stores, furniture warehouse stores and similar buildings 30,000 sq. ft. and larger shall be designed such that the exterior façade has the appearance of several smaller, human scale, buildings through the use of vertical treatments and a mix of design elements that may include windows, canopies, decorative lighting, stepped building faces, etc.
- (b) Exterior walls shall be constructed of 80% masonry excluding windows and doors with three-coat stucco covering no more than 60% of the façade. Masonry under this section shall be defined as construction composed of brick, concrete, natural rock, limestone, stone, hollow clay tile, decorative concrete block or tile, glass block or three-coat stucco.
- (c) Windows and/or glass walls shall be provided on commercial building walls when visible from public rights-of-ways. Windows shall makeup no less than 10% of the entire building facade. At a minimum, false windows may be used on rear and side walls visible from public streets.
- (d) Exterior walls exceeding 50 feet in length facing public streets shall be articulated to reduce the mass and scale of a uniform impersonal appearance of large buildings and to provide visual interest. No uninterrupted length shall exceed 50 feet and architectural features shall be provided with a minimum of four (4) of the following elements:
 - (1) Variation in color and materials
 - (2) Wall plane projections or recesses having a depth of at least one (1) foot and extending at least three (3) feet. Colonnades may be used instead of the projections, or pilasters.
 - (3) Projecting entrances, having clearly defined, highly visible, overhangs, canopies, peaked roof forms, raised corniced parapets over the door, or arches, or any combination of these.
 - (4) Canopies projecting a minimum of four (4) feet from the plane of the primary façade walls. The minimum combined lengths of the canopies shall be at least 50% of the length of the walls visible from public rights-of-ways.

- (5) Banding shall be complimentary to scale with the building (as approved by the executive director of planning and development services).
- (6) Repetitive ornamentation including decorated wall-mounted light fixtures. Such ornamentation shall be located with a maximum spacing of forty (40) feet.
- (7) Stepped building faces (offsets in from elevation).
- (e) Where the exterior wall is on a side street faux architectural detailing and windows shall be created to simulate three (3) dimensional relief.
- (f) Roof designs must conform to one of the following options:
 - (1) Roof line with architectural focal point(s) (refers to a prominent rooftop features(s) such as a peak, tower, gable, dome, barrel vault or roof line trellis structure).
 - (2) Where overhanging eaves are used they shall be two (2) or more feet beyond supporting wall with a minimum fascia width of 8 inches.
 - (3) Roof line variations may include:
 - (A) Projecting cornice. Roof line articulated through a variation or step in cornice height of detail. Cornices must be located at or near the top of the wall or parapet.
 - (B) Pitched roof or full mansard. A roof with angled edges and extended eaves no less than 8 ft. in height.
 - (C) Three (3) roofline variations with a minimum of three (3) feet in height of parapet variation. Variation to parapet height may include pilasters and projecting raised entrance features; with peaked roof forms or similar treatments.
- (g) Equipment placed on the roof of buildings shall be screened from view of the public.
- (h) The Executive Director of Planning and Development Services or designee may grant an administrative approval to use design elements not listed when the intent of the regulations is met, or when special situations arise regarding the rear and sides of buildings.

Sec. 31-454. – Landscaping requirements.

- (a) Landscaping required. Minimum required landscaping shall be determined by this section. At a minimum, fifty percent (50%) of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of ways; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.
- (b) Trees. The following requirements shall apply to tree landscaping:
 - (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 20. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one street frontage by dividing the total lot frontages by 30 instead of 20.

- (2) Not less than fifty percent (50%) of the required trees planted in the area to be landscaped shall be canopy trees.
- (3) Newly planted trees shall measure at least three (3) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
- (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
- (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (6) Recommended plantings include the quality tree species listed in subdivision A.

(c) Shrubbery. The following requirements shall apply to shrubbery landscaping:

- (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 2.5. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
- (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, 10 shrubs can be substituted for 1 canopy tree and 6 shrubs can be substituted for a non-canopy tree.
- (3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).
- (4) Shrubs shall not be less than three (3) gallons in size.
- (5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(d) Ground cover. The following requirements shall apply to ground cover landscaping:

- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
- (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.

(e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

Secs. 31-454—31-455. - Reserved.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this _____ day of _____, 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Dianna Barker, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE IV, DIVISION 21, UNIVERSITY DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City of Killeen has declared the application and enforcement of the City's zoning regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council desires to create land use regulations that will help ensure that future development is mutually compatible with surrounding areas and the community as a whole; and,

WHEREAS, the City Council desires to amend district regulations to preserve and enhance surrounding property values, prevent the overcrowding of land and undue concentration of population, to prevent undue overloading of municipal infrastructure, and to promote land use consistent with neighboring properties; and,

WHEREAS, the City Council finds that such amendments are necessary and will provide consistent and even application of zoning regulations to all applicants;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 31, Article IV, Division 21, University District, of the City of Killeen Code of Ordinances is hereby amended to read as follows:

DIVISION 21. - DISTRICT "UD" UNIVERSITY DISTRICT

Sec. 31-438- Purpose

The purpose of the University District is to preserve and enhance surrounding property values, prevent overcrowding of land and undue concentration of population, and to promote land use consistent with neighboring properties.

Sec. 31-439. - University district boundary.

The university district regulations apply to all property located in the current or future corporate city limits for a depth of fifteen hundred (1,500) feet at the following locations: north of the State Highway 201 right-of-way for a distance of approximately sixty-six hundred (6,600) feet west of the intersection of State Highway 201 and State Highway 195; west and east of the State Highway 195 right-of-way for a distance of approximately fifteen hundred (1,500) feet north of the intersection of State Highway 195 and State Highway 201; and, east of the State Highway 195 right-of-way for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, the first nine hundred and fifty (950) feet of depth within this segment of the district, as measured from State Highway 195, shall be designated for commercial use. The remaining five hundred and fifty (550) feet of depth of this segment shall be designated for mixed-use development, or residential use via a conditional use permit.

(Ord. No. 06-48, § II, 5-9-06; Ord. No. 12-033, § I, 7-10-12)

Sec. 31-440. - Use regulations.

- (a) A building or premises in the university district shall only be used for uses permitted in the "B-2" district, subject to the provisions of this division, and for the following purposes:
- (1) Bank, savings and loan or other financial institution excluding credit access businesses as defined by the Texas Finance Code.
 - (2) Hospital, home or center for the acute or chronic ill, or assisted living facility.
 - (3) Household appliance sales and repair service, no outside storage.
 - (4) Retail bakery or confectionery: engaged in preparation, baking, cooking, selling and delivery of products.
 - (5) ~~Boat and accessory sales, no outside storage.~~ Business day care
 - (6) Bowling alleys.
 - (7) Cleaning or laundry (self-service).
 - (8) Cleaning or laundry, (pick-up station).
 - (9) Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater.

- (10) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales.
 - (11) Cafeteria or catering service.
 - (12) Office, general business.
 - (13) Restaurant or café (with drive-thru or dine in service).
 - (14) Tennis, swim club, health club or gym.
 - (15) Small animal clinic or pet grooming shop.
 - (16) Hotel or motel.
 - (17) Job printing.
 - (18) Gasoline service station, auto laundry, car wash, or oil/ lube service station.
 - (19) Retail sales of new auto parts: no outside storage.
 - (20) A customarily incidental use: sale of beer and/or wine for off-premises consumption only shall be considered a customarily incident use in this district.
 - (21) Theaters of general release.
 - (22) A restaurant permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 16, restaurant and alcohol sales district, as amended.
 - (23) Package stores operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 12A, district B-3A, local business and alcohol sales district, as amended.
 - (24) Mixed-use development, being located nine hundred and fifty (950) feet to fifteen hundred (1,500) feet east of the east right-of-way of State Highway 195, and for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, for the commercial and residential use of a building, set of buildings, or neighborhood, where the first floor is designed, constructed and used for commercial use only while allowing access to residential uses.
 - (25) Art gallery, book store or library.
- (b) Any conflict between this district and the districts incorporated herein, or the regulations provided by the other districts, shall be resolved so that the most stringent provision shall control.

(Ord. No. 06-48, § II, 5-9-06; Ord. No. 12-033, § I, 7-10-12)

Sec. 31-441. - Conditional use permit.

The city council by an affirmative majority vote may by ordinance grant a conditional use permit as provided in section 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to

assure that these land uses are compatible with and appropriate for locations adjacent to the future four-year university. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

(Ord. No. 06-48, § II, 5-9-06; Ord. No. 10-059, § III, 9-28-10)

Sec. 31-442. - Height ~~and~~ ~~area~~, ~~and~~ ~~façade~~ regulations.

No building or structure in university district "UD" shall exceed four stories or forty-five (45) feet in height. The height of any building or structure in this district that exceeds thirty-five (35) feet shall provide an additional one (1) foot to every applicable setback distance for each one (1) foot of additional building or structure height over thirty-five (35) feet.

(a) *Size of yards.* The size of yards in the university district "UD" shall be as follows:

- (1) *Front yard.* There shall be a front yard having a minimum depth of thirty (30) feet. No parking, storage or similar use shall be allowed in required front yards in district "UD," except that automobile parking will be permitted in such yards in accordance with off-street parking requirements.
- (2) *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining any "R" zoned residential district. Otherwise, no side yard is required. No parking, storage, or similar use shall be allowed in any required side yard or in any required side street yard adjoining any "R" zoned residential district, except automobile parking in accordance with off-street parking requirements.
- (3) *Rear yard.* There shall be a rear yard having a minimum depth of ten (10) feet. No parking, storage or similar use shall be allowed in required rear yards in district "UD."

(b) *Size of lot.* There are no limitations to the size of lots in the district "UD" professional business district.

~~(c) *Façade requirements.* All structures within this district shall be constructed with a limestone front façade (required for the first floor only), and eighty percent (80%) stone or brick veneer, stucco, or tempered glass, exclusive of windows and doors, for the remaining exterior walls.~~

(Ord. No. 06-48, § II, 5-9-06; Ord. No. 12-033, § I, 7-10-12)

Sec. 31-443. - Parking, screening device, signs, and lighting requirements.

(a) Off-street parking and loading spaces shall be provided in the university district "UD" in accordance with the requirements for specific uses set forth in article V, division 3 of this chapter.

- (b) The screening device requirements in the university district "UD" shall be the same as required in the "B-1" district except that screening shall be required before the use of any commercial structure when such property abuts a residential zoned property or property used solely for residential purposes.
- (c) No off-premises signs, neon signs or electronic message display signs shall be permitted in this district. Signage in this district shall follow the standards outlined below:
- (1) On-premises signs are restricted to one (1) sign per lot, except that premises which have more than three hundred (300) feet of combined frontage along a public way or street, other than an alley, may have not more than one (1) additional sign for each additional three hundred (300) feet of frontage or fraction thereof. The permitted sign shall be set back ten (10) feet from the property line, shall not exceed ten (10) feet in height, the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.
 - (2) Window signs shall not cover more than twenty-five (25) percent of the total glass area of the window on which they are placed. The size is determined by an imaginary square or rectangle that encompasses the window sign graphics. A glass door shall be considered a separate window for the purpose of this section.
 - (3) The maximum size for signage on the front of a building is based on the following guideline: For every one (1) linear foot of building primary or entry frontage one (1) square foot of sign area is allowed. For multi-tenant buildings one and one-half (1.5) square feet of sign area is allowed for every one (1) linear foot of building primary or entry frontage. Signs on secondary or side-street frontages should not exceed the size of sign on the primary or entrance frontage.
 - (4) Sign Maintenance:
 - (A) Signs and sign supports shall be kept in good repair and preserved.
 - (B) Display surfaces of signs shall be kept neatly painted at all times.
 - (C) Painted signs shall be re-painted routinely so as to prevent peeling paint.
 - (D) Electrical components of signs must be protected from exposure to weather at all times unless they are designed for such exposure.
 - (E) Electrical circuits to signs that are no longer in use shall be disconnected at the electrical panel and shall be removed.
- (d) Any person wishing to install or use exterior lighting for non-residential, mixed-use, and multi-family structures shall first request a site plan review and obtain approval for such lighting by the building official. The site plan shall fully comply with the general regulations of this section and shall specify the location, height and type of all exterior lighting.
- (1) The height of exterior lighting, except streetlights in public rights-of-way, shall not exceed twenty (20) feet.
 - (2) Light trespass, defined as unwanted light shining on adjacent property or public rights-of-way, has a negative impact on the enjoyment and value of the affected adjacent property, and declared to be unlawful. All exterior lighting in the university district

shall be shielded or oriented in a manner that ensures that all illumination is contained on the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner that the light emission shall not cause light trespass observable from adjoining streets and other properties.

- (3) Exterior lighting situated in such a manner as to be mistaken for traffic signals or presenting any hazard to safe driving is prohibited.
- (4) Up-lighting is prohibited, except:
 - (A) Up-lighting, defined as the practice of installing, maintaining or operating exterior lighting in such a way that the lighting fixtures direct the illumination upward, may be installed adjacent to flagpoles to illuminate a flag if the lighting is installed and directed in such a manner that the illumination is targeted directly at the flag and does not otherwise cause a light trespass or a driving hazard.
 - (B) Up-lighting of sculptures, structures and landscape features for ornamental purposes that enhance the character of the area is permitted provided that the lighting does not create light trespass or a hazard to safe driving.
- (5) Canopy lighting shall be fully shielded or recessed so that the lenses of the lights are, at a minimum, flush with the bottom surface of the canopy.
- (6) This section shall not apply to the following types of lighting if the use thereof is approved in writing by the building official:
 - (A) Unshielded lighting may be used if it can be shown that the luminary will not cause a light trespass or a driving hazard.
 - (B) Lighting for special activities where the lighting need is temporary rather than lighting utilized continuously.

(e) Parking lot islands with a canopy tree in each should be at the end of each parking row. An additional parking lot island with a canopy tree shall be added to each parking row for every 15 spaces or fraction thereof. Canopy trees shall be in accordance with the landscaping requirements set forth in sec. 31-445. The islands shall have raised curbing not less than six (6) inches in height and an area of not less than 180 square feet for single parking row end islands or 360 square feet for double row parking end islands.

(f) Bay dividers shall be provided in order to prevent uncontrolled movement across parking areas, to separate the parking areas from the adjacent property, and to increase the safety of individuals using the parking lot. Dividers shall be provided on every other parking row and conform to one of the following standards:

- (1) Raised dividers shall have raised six-inch curbing and be a minimum of six (6) feet in width measured from face of curb to face of curb and tie in with the end island to provide safety for pedestrians.
- (2) Raised dividers that are landscaped shall have raised six-inch curbing and be a minimum of seven (7) feet in width and tie in to the end island.

(g) Parking slots in the numbers provided in the table below shall be reserved for each of the following groups per parking lot: Purple Heart recipients, Gold Star recipients. All spaces

shall be located adjacent to required handicapped parking space(s). Purple Heart and Gold Star signs should conform to criteria promulgated by the Executive Director of Planning and Development Services or designee.

3 to 50 slots: 1

51 to 75 slots: 2

76 to 100 slots: 3

100 and above: 4

(Ord. No. 06-48, § II, 5-9-06; Ord. No. 12-033, § I, 7-10-12)

~~Secs. 31-444 – 31-447. – Reserved.~~

Sec. 31-444. – Architectural design standards and requirements.

- (a) Big box buildings, such as department stores, variety stores, warehouse retail centers, grocery stores, furniture warehouse stores and similar buildings 30,000 sq. ft. and larger shall be designed such that the exterior façade has the appearance of several smaller, human scale, buildings through the use of vertical treatments and a mix of design elements that may include windows, canopies, decorative lighting, stepped building faces, etc.
- (b) Exterior walls shall be constructed of 80% masonry excluding windows and doors with three-coat stucco covering no more than 60% of the façade. Masonry under this section shall be defined as construction composed of brick, concrete, natural rock, limestone, stone, hollow clay tile, decorative concrete block or tile, glass block or three-coat stucco.
- (c) Windows and/or glass walls shall be provided on commercial building walls when visible from public rights-of-ways. Windows shall makeup no less than 10% of the entire building facade. At a minimum, false windows may be used on rear and side walls visible from public streets.
- (d) Exterior walls exceeding 50 feet in length facing public streets shall be articulated to reduce the mass and scale of a uniform impersonal appearance of large buildings and to provide visual interest. No uninterrupted length shall exceed 50 feet and architectural features shall be provided with a minimum of four (4) of the following elements:
 - (1) Variation in color and materials
 - (2) Wall plane projections or recesses having a depth of at least one (1) foot and extending at least three (3) feet. Colonnades may be used instead of the projections, or pilasters.
 - (3) Projecting entrances, having clearly defined, highly visible, overhangs, canopies, peaked roof forms, raised corniced parapets over the door, or arches, or any combination of these.
 - (4) Canopies projecting a minimum of four (4) feet from the plane of the primary façade walls. The minimum combined lengths of the canopies shall be at least 50% of the length of the walls visible from public rights-of-ways.

- (5) Banding shall be complimentary to scale with the building (as approved by the executive director of planning and development services).
- (6) Repetitive ornamentation including decorated wall-mounted light fixtures. Such ornamentation shall be located with a maximum spacing of forty (40) feet.
- (7) Stepped building faces (offsets in from elevation).
- (e) Where the exterior wall is on a side street faux architectural detailing and windows shall be created to simulate three (3) dimensional relief.
- (f) Roof designs must conform to one of the following options:
 - (1) Roof line with architectural focal point(s) (refers to a prominent rooftop features(s) such as a peak, tower, gable, dome, barrel vault or roof line trellis structure).
 - (2) Where overhanging eaves are used they shall be two (2) or more feet beyond supporting wall with a minimum fascia width of 8 inches.
 - (3) Roof line variations may include:
 - a. Projecting cornice. Roof line articulated through a variation or step in cornice height of detail. Cornices must be located at or near the top of the wall or parapet.
 - b. Pitched roof or full mansard. A roof with angled edges and extended eaves no less than 8 ft. in height.
 - c. Three (3) roofline variations with a minimum of three (3) feet in height of parapet variation. Variation to parapet height may include pilasters and projecting raised entrance features; with peaked roof forms or similar treatments.
- (g) Equipment placed on the roof of buildings shall be screened from view of the public.
- (h) The Executive Director of Planning and Development Services or designee may grant an administrative approval to use design elements not listed when the intent of the regulations is met, or when special situations arise regarding the rear and sides of buildings.

Sec. 31-445. – Landscaping requirements.

- (a) Landscaping required. Minimum required landscaping shall be determined by this section. At a minimum, fifty percent (50%) of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of ways; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.
- (b) Trees. The following requirements shall apply to tree landscaping:
 - (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 20. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one street frontage by dividing the total lot frontages by 30 instead of 20.

- (2) Not less than fifty percent (50%) of the required trees planted in the area to be landscaped shall be canopy trees.
- (3) Newly planted trees shall measure at least three (3) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
- (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
- (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (6) Recommended plantings include the quality tree species listed in Sec. 8-530, subdivision A.

(c) Shrubbery. The following requirements shall apply to shrubbery landscaping:

- (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 2.5. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
- (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, 10 shrubs can be substituted for 1 canopy tree and 6 shrubs can be substituted for a non-canopy tree.
- (3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).
- (4) Shrubs shall not be less than three (3) gallons in size.
- (5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(d) Ground cover. The following requirements shall apply to ground cover landscaping:

- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
- (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.

(e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

Secs. 31-446—31-447. - Reserved.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this _____ day of _____, 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Dianna Barker, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY