



# City of Killeen

## Agenda

### City Council

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Tuesday, December 6, 2016

5:00 PM

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

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#### 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-16-002](#) Presentation - Bell County Child Safety Check

#### Citizens Petitions

*Comments should be limited to three minutes.*

[CP-16-009](#) Howard Kinsel (4004 Gus Drive) - City Council Conduct

#### Minutes

[MN-16-031](#) Consider Minutes of Regular City Council Meeting of November 22, 2016.

Attachments: [Minutes](#)

[Okray Memorandum for Record PH-16-037](#)

[Okray Memorandum for Record PH-16-040A](#)

#### Resolutions

[RS-16-146](#) Consider a memorandum/resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for reimbursable STEP grant funds.

**Attachments:** [Council Memorandum](#)  
[2017 STEP Grant Proposal](#)

## Public Hearings

[PH-16-045](#) HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen for the termination of the Fleet Funding Program.

**Attachments:** [Council Memorandum](#)  
[Ordinance](#)

[PH-16-046A](#) Consider a memorandum/resolution establishing a special revenue fund for wellness.

**Attachments:** [Council Memorandum](#)

[PH-16-046B](#) HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to create a special revenue fund for wellness.

**Attachments:** [Council Memorandum](#)  
[Ordinance](#)

[PH-16-047](#) HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen for roof repairs due to hail damaged roof coverings at Killeen Arts and Activities Center and Stonetree Golf Club.

**Attachments:** [Council Memorandum](#)  
[Ordinance](#)

## Ordinances

[OR-16-023](#) Consider an ordinance to amend the number of authorized civil service positions for the Killeen Fire Department.

**Attachments:** [Council Memorandum](#)  
[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 December 2, 2016.*

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*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.*

**Dedicated Service -- Every Day, for Everyone!**



# City of Killeen

## Legislation Details

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**File #:** PR-16-002    **Version:** 1    **Name:** Presentation - Bell County Child Safety Check  
**Type:** Presentations    **Status:** Presentations  
**File created:** 11/28/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Presentation - Bell County Child Safety Check  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** CP-16-009    **Version:** 1    **Name:** Howard Kinsel (4004 Gus Drive) - City Council Conduct  
**Type:** Citizen Petition    **Status:** Citizens Petitions  
**File created:** 11/18/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Howard Kinsel (4004 Gus Drive) - City Council Conduct  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** MN-16-031    **Version:** 1    **Name:** Minutes of Regular City Council Meeting of November 22, 2016  
**Type:** Minutes    **Status:** Minutes  
**File created:** 11/16/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consider Minutes of Regular City Council Meeting of November 22, 2016.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

[Okray Memorandum for Record PH-16-037](#)  
[Okray Memorandum for Record PH-16-040A](#)

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council Workshop		

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
November 22, 2016 at 4:00 p.m.

Presiding: Mayor Jose L. Segarra

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

Also attending were Interim City Manager Dennis M. Baldwin, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Cole.

Minister Biggers gave the invocation, and Councilmember Rivera led everyone in the Pledge of Allegiance.

**Approval of Agenda**

*Motion was made by Mayor Pro-Tem Moore to approve the agenda pulling RS-16-041 and PH-16-042 from consideration. Motion seconded by Councilmember Rivera. The motion carried unanimously.*

**Minutes**

*Motion was made by Councilmember Kilpatrick to approve the minutes of the November 8th Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**Resolutions**

**RS-16-139** Consider a memorandum/resolution approving the investment report for the quarter ended September 30, 2016.  
**Staff comments:** Susan Anderson, Valley View Consulting  
Briefly went over the quarterly report.  
Staff recommends that the City Council approve the investment report for the quarter that ended September 30, 2016.

*Motion was made by Councilmember Rivera to approve RS-16-139. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-16-140** Consider a memorandum/resolution authorizing the use of a Request for Qualifications/Request for Proposals (RFQ/RFP) for improvements to the rental car return facility system at Killeen-Fort Hood Regional Airport.  
**Staff comments:** Jim Livingston  
Staff recommends using a RFQ/RFP to select a team for the design-build of the rental car return facility system at Killeen-Fort Hood Regional Airport and authorize staff to utilize the RFQ/RFP procurement method to identify and select the best value design-build team for the upgrades to the rental car return facility at the Killeen-Fort Hood Regional Airport.

*Motion was made by Councilmember Okray to approve RS-16-140. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.*

**RS-16-141** Consider a memorandum/resolution terminating lease agreements at the Killeen Arts & Activities Center with Richard Milburn Academy, Bell County - Human Services, Central Texas Council of Governments-Housing Division, Bring Everyone in the Zone, and Killeen Civic Art Guild.

**Staff comments:** Leslie Hinkle

Due to a recent structural assessment of Killeen City Hall revealing major work that needed to be done in order for the building to continue to function as office space for city administration and other city offices, it is recommended that Killeen City Council terminate the lease agreements with Richard Milburn Academy, Bell County-Human Services, Central Texas Council of Governments - Housing Division, Bring Everyone in the Zone, and Killeen Civic Art Guild in order to utilize the space for city offices.

*Motion was made by Councilmember Johnson to approve RS-16-141. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

Councilmember Kilpatrick stated for the record that he has some reservations regarding the impact this request will have on the citizens and wants to be assured by the City Manager that efforts to revitalize downtown will continue. Councilmember Kilpatrick wants to see the revitalization committee reformed to work toward the downtown revitalization effort.

Mayor Pro-Tem Moore stated for the record that he agrees with Councilmember Kilpatrick's comments and thanked Ms. Hinkle for her efforts.

**RS-16-142** Consider a memorandum/resolution updating authorized representatives for TexPool.

**Staff comments:** Stephen Barnes

Staff recommends that the following changes be made regarding TexPool authorized representatives for the City of Killeen and that the attached Resolution Amending Authorized Representatives from TexPool be approved:

Add	Remove	Remain
Dennis M. Baldwin, Interim City Manager	Lillian Ann Farris	Jonathan Locke, Director of Finance
Althea Davis, Staff Accountant		Karen Evans, Assistant Director of Finance
		Latashia Cherry, Accounting Supervisor

*Motion was made by Councilmember Kilpatrick to approve RS-16-142. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**RS-16-143** Consider a memorandum/resolution rescheduling the December 2016 City Council meetings.

**Staff comments:** Dennis Baldwin

Because the fourth Tuesday of December falls during the Christmas holidays, it is recommended that the December City Council meetings be rescheduled to December 6<sup>th</sup> and December 13<sup>th</sup>.

*Motion was made by Councilmember Fleming to approve RS-16-143. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.*

**RS-16-144** Consider a memorandum/resolution authorizing a change order for the City of Killeen Fiber Installation Project.

**Staff comments:** Tom Moore

The staff is seeking approval for a change order to run fiber from PD HQ through the WS Young corridor providing full fiber connectivity in and out of PD Headquarters. This will

also provide an opportunity to include Fire Station 6, as the fiber will run through its property. The staff recommends that City Council authorize the Interim City Manager to approve this change order in the amount of \$40,363.90 to provide more efficient fiber connectivity through the City of Killeen.

*Motion was made by Mayor Pro-Tem Moore to approve RS-16-144. Motion was seconded by Councilmember Okray. Motion carried 6 to 1 with Councilmember Johnson opposing.*

**RS-16-145** Consider a memorandum/resolution for a service agreement with Web Benefits Design.

**Staff comments:** Eva Bark

Web Benefits Design stores the City employees' benefits elections and has access to information needed to administer the filing of Form 1094-C and 1095-C. Utilizing this service will ensure that the 1094-C and 1095-C forms are filed in compliance with federal regulations and the City will have the support from experts who specialize in this area. It is recommended that City Council authorize staff to enter into an agreement with Web Benefit Designs to administer the filing of Form 1094-C and 1095-C for 2017.

*Motion was made by Councilmember Fleming to approve RS-16-145. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

### **Public Hearings**

**PH-16-037** HOLD a public hearing and consider a resolution renaming Rosewood Drive to "JD Aycock Boulevard."

**Staff comments:** Tony McIlwain

Mayor Pro-Tem Moore's street name change request is consistent with Code Section 25-118 (5) which is to "to honor a person, place, institution, group, entity, event or similar subject" with regard to street names. The Planning Staff has reviewed the Bell County tax rolls and determined that one property owner will be affected by the street name change. That property is addressed as 6101 Rosewood Drive and is undeveloped. Staff recommends that the City Council approve the street name change request from Rosewood Drive to "JD Aycock Boulevard."

Mayor Pro-Tem Moore thanked citizens for their support of this project and gave a brief overview of Mr. Aycock's education, life in Texas, and professional service. Mayor Pro-Tem Moore read a letter from Mr. Aycock who stated he is grateful for the suggested recognition but requests the city not spend the funds by changing the street name. Mayor Pro-Tem Moore recommends changing the name of the street without using city funds. Funds are being raised in the private sector for this project.

Mayor Segarra opened the public hearing.

Bob Blair, 1307 Ruiz Dr. – encouraged the city to rename the street but not to do it this year. Wants city to delay changing the name until its certain there's no cost to the city.

James Ralston, 408 Yates Road – does not want the city to spend money on this project. Agrees the city should wait and name an unnamed street JD Aycock.

Bill Paquette, 515 Ray - agrees the city should not rush into this project.

Kenny Wells, 2115 Lakeview Loop – spoke in favor of renaming the street.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Kilpatrick to table PH-16-037 until funds are raised. Motion was seconded by Councilmember Young.*

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

*Motion carried 5 to 2 with Councilmember Okray and Mayor Pro-Tem Moore opposing.*

**PH-16-040A** HOLD a public hearing and consider an ordinance requested by Linda Nellis, Trustee of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust (Case #Z16-18) to rezone 15.104 acres out of the R. Cunningham Survey, Abstract No. 199, from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) use for a project named South Station Apartments. The property is located near the northeast corner of Cunningham Road and E. Stan Schlueter Loop (FM 3470).

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified seven (7) surrounding property owners regarding this request. Staff received no responses.

The Planning & Zoning Commission recommended approval of the applicant’s PUD zoning request by a vote of 7 to 0. The Planning and Zoning Commission recommends the following conditions as part of the approval:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans, with consideration of moving the community amenities to a more centralized location;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 128 trees and 768 shrubs and screening around the north, east and south project boundaries; and
- the applicant shall provide a second amenity area (to include equipment) in the western portion of the development site; preferably the square shaped area located near buildings 11-13.

Mayor Segarra opened the public hearing.

Ms. Sander, 3807 Split Oak Drive – was not aware of the request.

Ms. Sharkey, 3802 Split Oak Dr. – spoke against the request.

Jean Latshaw, Pedcor Investments (developer) – was available for questions.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Kilpatrick to approve PH-16-040A. Motion was seconded by Councilmember Young.*

Councilmember Okray made a statement for record. See attached.

*Motion carried 4 to 2 with Councilmember Okray and Mayor Pro-Tem Moore opposing, and Councilmember Fleming abstaining.*

**PH-16-040B** Consider a Resolution of No Objection for an application to Texas Department of Housing & Community Affairs for South Station Apartments, an affordable housing development.

**Staff comments:** Leslie Hinkle

The Texas Department of Housing & Community Affairs administers the housing tax credit program. Staff recommends that the City Council approve a Resolution of No

Objection for the application to Texas Department of Housing & Community Affairs for the South Station Apartments.

*Motion was made by Councilmember Johnson to approve PH-16-040B. Motion was seconded by Councilmember Rivera. Motion carried 4 to 3 with Councilmember Okray, Councilmember Fleming, and Mayor Pro-Tem Moore opposing.*

**PULLED FROM CONSIDERATION**

**PH-16-041** HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Residential' to 'General Residential' (FLUM# Z16-19) for approximately 152 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located on the north right-of-way of Stagecoach Road, east of S. Fort Hood Street (S. H. 195), Killeen, Texas.

**PULLED FROM CONSIDERATION**

**PH-16-042** HOLD a public hearing and consider an ordinance requested by WBW Land Investments, L.P. (Case #Z16-19) to rezone approximately 52.42 acres, being part of the Azra Webb Survey, Abstract No. 857, from "A-R1" (Agricultural Single-Family Residential District) to "SR-1" (Suburban Residential Single Family District) and "R-1" (Single-Family Residential District) to allow for single family residential housing. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, Killeen, Texas.

**PH-16-043** HOLD a public hearing and consider an ordinance requested by Karen Wunsch of Masterplan Consultants, on behalf of the Sheryl Yowell Anderson 1998 Trust Et Al, (Case #Z16-20) to rezone 3.093 acres out of the Simeon D. Carothers Survey, Abstract No. 177, from "A" (Agricultural District) to "A" (Agricultural District) with a Conditional Use Permit (CUP) for an electric substation. The substation is proposed to be located approximately 1,230 feet east of Shimla Drive and 557 feet north of Rusack Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "A" (AGRICULTURAL DISTRICT) TO "A" (AGRICULTURAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR AN ELECTRIC SUBSTATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified one (1) surrounding property owners regarding this request. Staff has received no protest. The Planning & Zoning Commission recommended approval by a vote of 7 to 0 of the applicant's Conditional Use Permit request subject to adherence to the site plan.

Mayor Segarra opened the public hearing.

Mr. Castio, 3715 Rusack Dr. – spoke against the request. Mr. Castio has concerns about the location of the substation and its appearance, and would like to see some vegetation added for esthetics.

Karen Waunch, Oncor representative – explained the topography of the site and the type of station to be

built.

With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Young to approve PH-16-043 with the stipulation that an 8' masonry wall be installed around the site. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**PH-16-044A** Consider a memorandum/resolution authorizing the award of a construction contract to Choice Builders, LLC, for the Brookhaven Rancier Hike & Bike Trail project.

**Staff comments:** David Olson (PH-16-044A & 044B were considered together)

There were four (4) responsible bids submitted for the project: Choice Builders, LLC, of Temple, TTG Utilities, LP, of Gatesville, Yoko Excavating, LLC, of Belton, and Westar Construction, Inc., of Georgetown. Of the responsible bidders, one (1) was responsive: Choice Builders, LLC; the other three (3) bidders failed to include required documentation with their bid. City staff recommends the City Council award a construction contract to the lowest responsible responsive bidder meeting the specifications, Choice Builders, LLC, in the amount of \$692,296.00. Additionally that it authorize the City Manager to execute all necessary contract documents and all change orders or supplemental agreements for the project within the amounts set by state and local law.

**PH-16-044B** HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen for the Brookhaven/Rancier Hike & Bike Trail.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO PROVIDE FUNDING FOR THE BROOKHAVEN/RANCIER HIKE & BIKE TRAIL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Jonathan Locke

On November 19, 2014, the City of Killeen was awarded \$250,000 for the Brookhaven/Rancier Hike and Bike Trail from the Killeen-Temple Metropolitan Planning Organization. A budget amendment is needed in the Child Safety Fund for the project. The total cost of the project is \$692,296. The amendment will increase revenues by \$250,000 to recognize the grant proceeds from the KTMPO. The amendment will also increase expenditures by \$581,283; \$250,000 that is being covered by the KTMPO grant and \$331,283 being carried forward from unused project funds in FY 2016.

Staff recommends that City Council approve the ordinance amending the FY 2017 Budget.

Mayor Segarra opened the public hearing.

With no one appearing the public hearing was closed.

*Motion was made by Mayor Pro-Tem Moore to approve PH-16-044A&B. Motion was seconded by Councilmember Okray. Motion carried unanimously.*



### **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Fleming, and unanimously approved, the meeting was adjourned at 5:51 p.m.

MEMORANDUM FOR RECORD

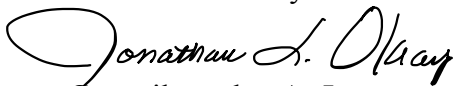
PH-16-037

11-22-16

I support renaming Rosewood Dr in honor of Mr. Aycock. I received correspondence in support of the measure from Mr. Allen Cloud (Mayor, City of Killeen), Dr. John Craft (Superintendent, KISD), LTG Paul Funk (United States Army, Retired), Mr. Abdul Subhani (CENTEX Technologies), Mrs. Cyd West (First Community Mortgage), Jim Yeonopolus (Chancellor, Central Texas College). I also received correspondence in opposition of the measure because of the measure in light media reports regarding the cost. I voiced my support for the measure at workshop when it was presented to council for deliberation and consideration. A majority council determined to table the measure, to bring it back as an item of discussion on a future agenda. Mr. Aycock has championed many things that have benefitted our community and our State. One of those things has been the the Head Start Program, of which I am an alumni having received benefit of it when I was a child.

I received an email regarding the name change of Rosewood Dr to JD Aycock. Contrary to media reports regarding the cost, there is zero costs to the city due with regard to change 6 signs on US 190. The email lists the cost to change the associated signs as \$44,000, with additional cost possibly including the cost for equipment and labor to make the change. This cost is associated with the state, as US 190 belongs to the state and not the city. The cost to the city to change signage has been eliminated due to the efforts of the Mayor Pro Tem. According to the email, TxDOT will request that the city pay for guide signage associated with a street name change when the following criteria is met; the total expected cost of the change is greater than \$500, the existing signs and structures are not scheduled to be replaced within two years. The email does not delineate the cost associated with guide signage. I believe that cost, the major and apparent inhibitor to the name change, has been mitigated, that further objection to the name change is subjective rather than objective in the paradigm of governing body consideration process.

Jonathan L. Okray



Jonathan L. Okray  
Councilmember At-Large

MEMORANDUM FOR RECORD

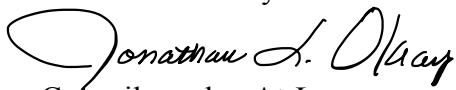
PH-16-040A

11-22-16

The development proposed will be north and adjacent to Housing Authority development. I was supportive of Housing Authority development on the basis of the housing authority's procurement processes and judicial decision mandating that low income housing development be developed outside of poverty tracts. I am not supportive of housing development outside of those parameters and do not see a pressing need for additional "workforce housing" within the transient residential layer of our community. My vision for our community ultimately is home ownership for all of residents of our community.

In accordance with Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2 173 (Tex 1981), establishing general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making recommendations and decisions on a zoning request, I believe this request will not lessen congestion in the streets; secure safety from fire, panic, or other dangers (we routinely witness these occurrences in currently established multifamily residences); prevent the overcrowding of land; and avoid undue concentration of population. In light of the highly saturated housing market within our community, I do not see the substantial public need or purpose for the new zoning.

Jonathan L. Okray



Jonathan L. Okray  
Councilmember At-Large



# City of Killeen

## Legislation Details

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**File #:** RS-16-146    **Version:** 1    **Name:** TXDOT Step Grant 2017  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 11/16/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for reimbursable STEP grant funds.  
**Sponsors:** Police Department  
**Indexes:** STEP Grant  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[2017 STEP Grant Proposal](#)

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council Workshop		

## **CITY COUNCIL MEMORANDUM**

### **AGENDA ITEM**

**TXDOT Selective Traffic Enforcement Grant  
(STEP)**

### **ORIGINATING DEPARTMENT**

**Police Department**

### **BACKGROUND INFORMATION**

The City of Killeen Police Department has applied for and received grant funds from the Texas Department of Transportation to conduct selective traffic enforcement activities on an overtime basis in previous years. This year TXDOT has authorized the City of Killeen a grant for the purpose of conducting a combined enforcement program that targets driving while intoxicated, speeding, intersection traffic control and distracted driving. If accepted, the City of Killeen is obligated to provide matching funds in the amount of \$36,803.88. TXDOT will reimburse \$117,291 to meet the total award amount of \$154,094.88.

### **DISCUSSION/CONCLUSION**

Officers working this detail will not respond to routine calls for service and will concentrate their activities on focused enforcement of speed, DWI, intersection traffic control and distracted driving violations. The overall objective of this program is to increase awareness in each of these identified areas and reduce violations.

### **FISCAL IMPACT**

If the entire amount of the grant is used, approximately \$20,153.88 in local matching funds will be required to pay salary costs and fringe benefits not covered by the grant. An estimated \$16,650 in matching funds will be required for mileage cost for vehicle operations. These funds will be drawn from the department's operational funding for salaries/benefits and vehicle supplies.

### **RECOMMENDATION**

The staff recommends that the Council approves this resolution and authorizes the City Manager to sign an agreement with TXDOT on behalf of the City of Killeen for receipt of up to \$117,291 in reimbursable STEP grant funding.

# **Texas Traffic Safety eGrants**

## **Fiscal Year 2017**

**Organization Name:** City of Killeen - Police Department

**Legal Name:** City of Killeen

**Payee Identification Number:** 17460015047000

**Project Title:**

**ID:** 2017-KilleenP-S-1YG-0018

**Period:** 10/01/2016 to 09/30/2017

**PROGRAM ELEMENT SELECTION**

**YEAR LONG**

X	DWI	DWI: Driving While Intoxicated
X	Speed	Speed: Speed Enforcement
	OP	OP: Occupant Protection (Safety Belt and Child Safety Seat)
X	ITC	ITC: Intersection Traffic Control
X	DD	DD: Distracted Driving

**WAVE**

DWI	Jurisdiction wide (DWI enforcement effort must be focused at locations where there is an over-representation of alcohol-related crashes and/or DWI arrests)
Speed	Jurisdiction wide (Speed enforcement should be focused on areas where there is at least a 50% noncompliance with the posted speed limits and/or a higher number of speed-related crashes)
OP	Jurisdiction wide
DD	Jurisdiction wide

**CMV**

Speed, OP & HMV	CMV: Commercial Motor Vehicle; HMV: Hazardous Moving Violations
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**PROPOSING AGENCY AUTHENTICATION**

x The following person has authorized the submittal of this proposal.

Name	:Glenn Morrison
Title	:City Manager
Address	:101 N. College
City	:Killeen
State	:Texas
Zip Code	:76541
Phone Number	:254-501-7600
Fax Number	:254-501-8998
E-mail address	:gmorrison@killeentexas.gov



**COUNTY SERVED**

Select a County: Bell County - Waco District

# **Texas Traffic Safety eGrants**

## **Fiscal Year 2017**

**Organization Name:** City of Killeen - Police Department

**Legal Name:** City of Killeen

**Payee Identification Number:** 17460015047000

**Project Title:**

**ID:** 2017-KilleenP-S-1YG-0018

**Period:** 10/01/2016 to 09/30/2017

**POLITICAL DISTRICT SERVED**

Select a Political District Served ([View a map](#)):

U.S. Congress\* Congressional District 25  
Congressional District 31

Texas Senate\* Texas Senate District 24

Texas House\* Texas House of Representatives District 54  
Texas House of Representatives District 59

**POLITICAL DISTRICT SERVED**

**Select a Political District Served** ([View a map](#)):

**U.S. Congress\*** Congressional District 25  
Congressional District 31

**Texas Senate\*** Texas Senate District 24

**Texas House\*** Texas House of Representatives District 54  
Texas House of Representatives District 59

**POLITICAL DISTRICT SERVED**

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Texas House of Representatives District 59

## **Texas Traffic Safety Program**

### **GRANT AGREEMENT GENERAL TERMS AND CONDITIONS**

#### **ARTICLE 1. COMPLIANCE WITH LAWS**

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of compliance.

#### **ARTICLE 2. STANDARD ASSURANCES**

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 2 CFR, Part 200; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

- A. It possesses legal authority to apply for the grant; and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained in the application, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide any additional information that may be required.
- B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.
- C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.
- D. It will comply with the provisions of the Hatch Political Activity Act, which limits the political activity of employees. (See also Article 25, Lobbying Certification.)
- E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.
- F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain

for themselves or others, particularly those with whom they have family, business, or other ties.

- G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.
- H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.
- I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulations, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any federal requirements that the federal government may now or in the future promulgate.
- J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where that insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.
- K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).
- L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise that person. This prohibition shall not apply to the employment of a person described in Section 573.062 of the Texas Government Code.
- M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in

compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.

- N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

### **ARTICLE 3. COMPENSATION**

- A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in a Project Budget category will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.
- B. All payments will be made in accordance with the Project Budget.
1. The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.
  2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (eGrants), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.
  3. Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.
  4. The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this agreement.
  5. For Selective Traffic Enforcement Program (STEP) grants only: In the Project Budget, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the five (5) percent flexibility,



with underrun funds from Budget Categories II or III.

- C. To be eligible for reimbursement under this agreement, a cost must be incurred in accordance with the Project Budget, within the time frame specified in the Grant Period of this Grant Agreement, attributable to work covered by this agreement, and which has been completed in a manner satisfactory and acceptable to the Department.
- D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.
- E. Payment of costs incurred under this agreement is further governed by the cost principles outlined in 2 CFR Part 200.
- F. The Subgrantee agrees to submit monthly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through eGrants.
- G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.
- H. Payments are contingent upon the availability of appropriated funds.
- I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period.

Preference for funding will be given to projects based on (1) proposed cost sharing and (2) demonstrated performance history.

#### **ARTICLE 4. LIMITATION OF LIABILITY**

Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

#### **ARTICLE 5. AMENDMENTS**

This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in eGrants. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

## **ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK**

- A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through eGrants. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.
- B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.
- C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.
- D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.
- E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

## **ARTICLE 7. REPORTING AND MONITORING**

- A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through eGrants. Reporting periods vary by project duration and are defined as follows:
  - 1. For short term projects, the reporting period is the duration of the project. Subgrantee shall submit a performance report within 30 days of project completion.
  - 2. For longer projects, the reporting period is monthly. Subgrantee shall submit a performance report within 30 days of the completion of each project month and within 30 days of project completion.
  - 3. For Selective Traffic Enforcement Program (STEP) Wave projects, the reporting period is each billing cycle. Subgrantee shall submit a performance report within 30 days of the completion of each billing cycle.

- B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.
- C. The Subgrantee shall promptly advise the Department in writing, through eGrants, of events that will have a significant impact upon this agreement, including:
  - 1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.
  - 2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.
- D. The Subgrantee shall submit the Final Performance Report through eGrants within thirty (30) days after completion of the grant.

## **ARTICLE 8. RECORDS**

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

## **ARTICLE 9. INDEMNIFICATION**

- A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as a

result of any activities of the Subgrantee, its agents, or employees.

- B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.
- C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

## **ARTICLE 10. DISPUTES AND REMEDIES**

This agreement supersedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

## **ARTICLE 11. TERMINATION**

- A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:
  - 1. This agreement is terminated in writing with the mutual consent of both parties; or
  - 2. There is a written thirty (30) day notice by either party; or
  - 3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.
- B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

## **ARTICLE 12. INSPECTION OF WORK**

- A. The Department and, when federal funds are involved, the USDOT, or any of their

authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.

- B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

### **ARTICLE 13. AUDIT**

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

### **ARTICLE 14. SUBCONTRACTS**

A subcontract in excess of \$25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

### **ARTICLE 15. GRATUITIES**

- A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.
- B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

### **ARTICLE 16. NONCOLLUSION**

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any



other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

## **ARTICLE 17. CONFLICT OF INTEREST**

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

## **ARTICLE 18. SUBGRANTEE'S RESOURCES**

- A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.
- B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.
- C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

## **ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT**

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by 2 CFR §§ 200.310-.316, 200.318-.324.

## **ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY**

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the

Department without restriction or limitation of their further use.

- A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.
- B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.
- C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

## **ARTICLE 21. SUCCESSORS AND ASSIGNS**

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through eGrants.

## **ARTICLE 22. CIVIL RIGHTS COMPLIANCE**

- A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (USDOT): 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).
- B. Nondiscrimination: The Subgrantee, with regard to the work performed during the period of this agreement, shall not discriminate on the grounds of race, color, sex, national origin, age, religion, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment.
- C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

- D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.
- E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.
- F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

## **ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

- A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.
- B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.
- C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address <http://www.txdot.gov/business/partnerships/dbe.html>
- E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to



ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

- F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

#### **ARTICLE 24. DEBARMENT AND SUSPENSION**

- A. The Subgrantee certifies, to the best of its knowledge and belief, that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;
  2. Have not within the three (3) year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local public transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  3. Are not presently indicted or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph A. 2. of this Article; and
  4. Have not, within the three (3) year period preceding this agreement, had one or more federal, state, or local public transactions terminated for cause or default.
- B. Where the Subgrantee is unable to certify to any of the statements in this Article, the Subgrantee shall attach an explanation to this agreement.
- C. The Subgrantee is prohibited from making any award or permitting any award at any

tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Subgrantee certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549.

- D. The Subgrantee shall require any party to a subcontract or purchase order awarded under this Grant Agreement to certify its eligibility to receive federal grant funds, and, when requested by the Department, to furnish a copy of the certification.

## **ARTICLE 25. LOBBYING CERTIFICATION**

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief that:

- A. No federally appropriated funds have been paid or will be paid by or on behalf of the Subgrantee to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the party to this agreement shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The Subgrantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## **ARTICLE 26. CHILD SUPPORT CERTIFICATION**

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment

may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty (30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

## **ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS**

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.
- B. The Subgrantee agrees that it shall:
  - 1. Obtain and provide to the State a System for Award Management (SAM) number (48 CFR subpt. 4.11) if this award provides for more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM web-site at: <https://www.sam.gov>
  - 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
  - 3. Report the total compensation and names of its top five (5) executives to the State if:
    - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
    - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

## **ARTICLE 28. SINGLE AUDIT REPORT**

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.
- B. If threshold expenditures of \$750,000 or more are met during the Subgrantee's fiscal



year, the Subgrantee must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at [singleaudits@txdot.gov](mailto:singleaudits@txdot.gov)

- C. If expenditures are less than \$750,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY\_\_\_\_."
- D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

## **ARTICLE 29. BUY AMERICA ACT**

The Subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. § 5323(j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

## **ARTICLE 30. RESTRICTION ON STATE LOBBYING**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

## **ARTICLE 31. NONGOVERNMENTAL ENTITY'S PUBLIC INFORMATION**

*[This article applies only to non-profit entities.]*

The Subgrantee is required to make any information created or exchanged with the Department pursuant to this Grant Agreement and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the Department. [SB-1368, 83rd Texas Legislature, Regular Session, Effective 9/1/13]

## **RESPONSIBILITIES OF THE SUBGRANTEE:**

- A. Carry out all performance measures established in the grant, including fulfilling the law enforcement objectives by implementing the Operational Plan contained in this Grant Agreement.
- B. Submit all required reports to the Department (TxDOT) fully completed with the most current information, and within the required times, as defined in **Article 3** and **Article 7** of the General Terms and Conditions of this Grant Agreement. This includes reporting to the Department on progress, achievements, and problems in monthly Performance Reports and attaching necessary source documentation to support all costs claimed in Requests for Reimbursement (RFR).
- C. Attend Department-approved grant management training.
- D. Attend meetings according to the following:
  - 1. The Department will arrange for meetings with the Subgrantee to present status of activities and to discuss problems and the schedule for the following quarter's work.
  - 2. The project director or other appropriate qualified persons will be available to represent the Subgrantee at meetings requested by the Department.
- E. Support grant enforcement efforts with public information and education (PI&E) activities. Salaries being claimed for PI&E activities must be included in the budget.
- F. When applicable, all newly developed PI&E materials must be submitted to the Department for written approval, through the TxDOT Electronic Grants Management System (eGrants) system messaging, prior to final production. Refer to the Traffic Safety Program Manual regarding **PI&E procedures**.
- G. For out of state travel expenses to be reimbursable, the Subgrantee must have obtained the written approval of the Department, through eGrants system messaging, prior to the beginning of the trip. Grant approval does not satisfy this requirement. For Department district-managed grants, the Subgrantee must have obtained written Department district approval, through eGrants system messaging, for travel and related expenses if outside of the district boundaries.
- H. Maintain verification that all expenses, including wages or salaries, for which reimbursement is requested, is for work exclusively related to this project.
- I. Ensure that this grant will in no way supplant (replace) funds from other sources. Supplanting refers to the use of federal funds to support personnel or any activity already supported by local or state funds.
- J. Ensure that each officer working on the STEP project will complete an officer's daily activity report form. The form should include at a minimum: name, date, badge or identification number, type of grant worked, grant site number, mileage (including starting and ending mileage), hours worked, type of citation issued or arrest made, officer and supervisor signatures.



- K. All STEP agencies must provide the following provision in all daily activity report forms:
- “I understand that this information is being submitted to support a claim against a federally-funded grant program. False statements on this form may be prosecutable under 18 USC 1001. This information on this form is true, correct, and complete to the best of my knowledge and ability.”
- The above language should be added to the activity reports immediately above the signature lines of the officer and supervisor.
- L. Ensure that no officer above the rank of Lieutenant (or equivalent title) will be reimbursed for enforcement duty unless the Subgrantee received specific written authorization from the Department, through eGrants system messaging, prior to incurring costs.
- M. Subgrantee may work additional STEP enforcement hours on holidays or special events not covered under the Operational Plan. However, additional work must be approved in writing by the Department, through eGrants system messaging, prior to enforcement. Additional hours must be reported in the Performance Report for the time period for which the additional hours were worked.
- N. If an officer makes a STEP-related arrest during the shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest.
- O. Subgrantees with a traffic unit will utilize traffic personnel for this grant, unless such personnel are unavailable for assignment.
- P. Prior to conducting speed enforcement, the Subgrantee must select and survey enforcement sites that comply with existing state mandated speed limits in accordance with the Texas Transportation Code, Sections 545.352 through 545.356.
- Q. Officers assigned to speed sites should be trained in the use of radar or laser speed measurement devices.
- R. The Subgrantee should have a safety belt use policy. If the Subgrantee does not have a safety belt use policy in place, a policy should be implemented, and a copy maintained for verification during the grant year.
- S. Officers working DWI enforcement must be trained in the National Highway Traffic Safety Administration/International Association of Chiefs of Police Standardized Field Sobriety Testing (SFST). In the case of a first year subgrantee, the officers must be trained, or scheduled to be SFST trained, by the end of the grant year. For second or subsequent year grants, all officers working DWI enforcement must be SFST trained.
- T. The Subgrantee should have a procedure in place for contacting and using drug recognition experts (DREs) when necessary.
- U. The Subgrantee is encouraged to use the DWI On-line Reporting System available through the Buckle Up Texas Web site at [www.buckleuptexas.com](http://www.buckleuptexas.com).

## **RESPONSIBILITIES OF THE DEPARTMENT:**

- A. Monitor the Subgrantee's compliance with the performance obligations and fiscal requirements of this Grant Agreement using appropriate and necessary monitoring and inspections, including but not limited to:
  - 1. review of periodic reports
  - 2. physical inspection of project records and supporting documentation
  - 3. telephone conversations
  - 4. e-mails and letters
  - 5. quarterly review meetings
  - 6. *eGrants*
- B. Provide program management and technical assistance.
- C. Attend appropriate meetings.
- D. Reimburse the Subgrantee for all eligible costs as defined in the project budget. Requests for Reimbursement will be processed up to the maximum amount payable as indicated in the project budget.
- E. Perform an administrative review of the project at the close of the grant period to:
  - 1. Ascertain whether or not the project objectives were met
  - 2. Review project accomplishments (performance measures completed, targets achieved)
  - 3. Document any progress towards self-sufficiency
  - 4. Account for any approved Program Income earned and expended
  - 5. Identify exemplary performance or best practices

## **STEP Operating Policies and Procedures**

All STEP agencies must either have established written STEP operating policies and procedures, or will develop written policies and procedures before STEP grants can be executed. Each STEP agency will certify that it has, or will develop such procedures during the proposal process in eGrants. If an agency is selected for a grant award, a copy of the agency's written policies and procedures must be submitted with the executed grant. Local policies and procedures must include at a minimum:

- ◆ Which position serves as the STEP project director and what would be their main responsibilities?
- ◆ How the agency selects individuals to work a STEP shift?
- ◆ How prior approval is authorized for an individual to work a STEP shift?
- ◆ Are any restrictions imposed on working STEP, such as an officer cannot work more than x hours per shift, etc.?
- ◆ How the agency determines an individual's over time status before working STEP?
- ◆ The agency's supervision of officer's working STEP?
- ◆ How is an individual's time worked on a STEP shift documented?
- ◆ What paperwork is required after the STEP shift ends (i.e., time sheets, overtime cards, STEP daily activity reports, citations, etc.) and how does the supervisor approve and document the hours worked?
- ◆ How the agency oversees the agency's performance toward meeting the grant's performance measures/target numbers?



## Operational Plan

**Page Title: Killeen STEP 2017-1**

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days &amp; Times)</u>
1. 1	DWI	City Wide	%	Daily, Monday-Sunday, 8:00 pm-6:00am
2. 2	Speed	US Hwy 190 between the east city limits and west city limits. Posted speed limit is 60 mph for approximately 5.4 miles of roadway.	19%	Daily, Monday-Sunday 4:00AM-Midnight
3. 3	Speed	Central Texas Expressway (US Hwy 190 frontage road) from the east city limits to the west city limits excluding the 35mph zones. Posted speed limit is 45mph for approximately 3.7 miles.	33%	Daily, Monday-Sunday 4:00AM-Midnight
4. 4	Speed	Central Texas Expressway (US 190 Frontage Road) westbound from Trimmier RD to Dubroc DR and Eastbound from the west city limits to Jasper RD. Posted speed limit is 35mph for approximately 1.7 miles.	10%	Daily, Monday-Sunday 4:00AM-Midnight
5. 5	Speed	Elms RD between FT Hood ST (TX 195) and FM 3470. Posted speed limit is 40mph for approximately 3 miles.	33%	Daily, Monday-Sunday 4:00AM-Midnight
6. 6	Speed	WS Young DR from US HWY 190 north till it becomes Westcliff RD, then Westcliff RD to 38th ST. Posted speed limit is 30mph for approximately 4.7 miles.	.05%	Daily, Monday-Sunday 4:00AM-Midnight
7. 7	Speed	Clear Creek RD (TX 201) from Bell Tower to the north City Limits (Watercrest RD). The posted speed limit is 35mph for approximately 0.5miles.	28%	Daily, Monday-Sunday 4:00AM-Midnight

**Operational Plan**

**Page Title: Killeen STEP 2017-2**

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days &amp; Times)</u>
1. 8	Speed	Trimmier RD from Stagecoach RD to Bacon Ranch RD. The posted speed limit is 40mph for approximately 2.6 miles.	29%	Daily, Monday-Sunday 4:00AM-Midnight
2. 9	Speed	FT Hood ST (TX195) from FM 3470 south to the 8500 Block of S FT Hood ST. The posted speed limit is 60mph for approximately 1.9 miles.	34%	Daily, Monday-Sunday 4:00AM-Midnight
3. 10	ITC	WS Young DR/Veterans Memorial Blvd (Bus US 190) Intersection of two multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
4. 11	ITC	FT Hood ST (SH 195)/Veterans Memorial Blvd (Bus US 190) Intersection of two multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
5. 12	ITC	Central Texas Expressway (US 190 Frontage road)/Willow Springs. Intersection of Multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
6. 13	ITC	Central Texas Expressway (US 190 Frontage road)/FT Hood ST(SH195). Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
7. 14	ITC	Central Texas Expressway (US 190 Frontage road)/Jasper RD. Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight

### Operational Plan

Page Title: Killeen STEP 2017-3

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days &amp; Times)</u>
1. 15	ITC	Central Texas Expressway (US 190 Frontage road)/Trimmier RD. Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
2. 16	ITC	Central Texas Expressway (US 190 Frontage road)/WS Young. Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
3. 17	ITC	Central Texas Expressway (US 190 Frontage road)/Stan Schlueter LP(FM3470) Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
4. 18	ITC	Stan Schlueter LP(FM3470)/Martin Luther King JR Blvd (FM2410). Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
5. 19	ITC	Stan Schlueter LP(FM3470)/WS Young. Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
6. 20	ITC	Stan Schlueter LP(FM3470)/Trimmier RD. Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight
7. 21	ITC	WS Young DR/Illinois Ave. Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday-Sunday 4:00AM-Midnight

**Operational Plan**

**Page Title: Killeen STEP 2017-4**

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days &amp; Times)</u>
1. 22	ITC	WS Young DR/Rancier Ave(FM 439). Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday- Sunday 4:00AM-Midnight
2. 23	ITC	Rancier Ave(FM 439)/38th ST. Intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday- Sunday 4:00AM-Midnight
3. 24	ITC	Rancier Ave (FM439)/Twin Creek. T intersection of multiple lane roadways controlled by a traffic light.	%	Daily, Monday- Sunday 4:00AM-Midnight
4. 25	ITC	Lake RD/38th ST. A four way stop intersection controlled by stop signs.	%	Daily, Monday- Sunday 4:00AM-Midnight
5. 26	ITC	Old FM 440/Central Texas Expressway(US 190 Frontage RD). T intersection controlled by a stop sign.	%	Daily, Monday- Sunday 4:00AM-Midnight
6. 27	Distracted	Citywide Driving Distracted	%	Daily, Monday- Sunday 4:00AM-Midnight
7.			%	

**BASELINE INFORMATION**

**Baseline Year (12 months)**

From 10/1/2014 to 9/30/2015

**Baseline Measure**

**Baseline Number**

Number of Driving While Intoxicated (DWI) arrests  
Number of Driving Under Influence (DUI) of Alcohol by  
Minor Arrests/Citations  
Number of speed citations  
Number of Intersection Traffic Control (ITC) citations  
Number of Distracted Driving Citations

303  
1  
4377  
1112  
78

**Baseline  
Number**

**Month/Year of  
Survey**

Percentage of speed compliance

25 %

10/2015

### **GOALS AND STRATEGIES**

**Goal:** To increase effective enforcement and adjudication of traffic safety-related laws to reduce crashes, fatalities, and injuries.

**Strategies:** Increase and sustain high visibility enforcement of traffic safety-related laws.  
Increase public education and information campaigns regarding enforcement activities.

**Goal:** To reduce the number of alcohol impaired and driving under the influence of alcohol and other drug-related crashes, injuries, and fatalities.

**Strategy:** Increase and sustain high visibility enforcement of DWI laws.

**Goal:** To reduce the number of speed-related crashes, injuries, and fatalities.

**Strategy:** Increase and sustain high visibility enforcement of speed-related laws.

**Goal:** To reduce intersection-related motor vehicle crashes, injuries, and fatalities.

**Strategy:** Increase and sustain high visibility enforcement of Intersection Traffic Control (ITC) laws.

**Goal:** To reduce Distracted Driving motor vehicle crashes, injuries, and fatalities.

**Strategies:** Increase and sustain high visibility enforcement of state and local ordinances on cellular and texting devices.

Increase public information and education on Distracted Driving related traffic issues.

☒ I agree to the above goals and strategies.

**PI&E OBJECTIVE/PERFORMANCE MEASURE**

<b>Objectives/Performance Measure</b>	<b>Target Number</b>
<b>Support Grant efforts with a public information and education (PI&amp;E) program</b>	
a. Conduct presentations	5
b. Conduct media exposures (e.g. news conferences, news releases, and interviews)	5
c. Conduct community events (e.g. health fairs, booths)	3
d. Produce the following number of public information and education materials	0
e. Number of public information and education materials distributed	400

**SALARIES AND FRINGE BENEFITS**

Law Enforcement Hours: 2500								
x Overtime Regular Time								
	<u>TxDOT Hours</u>	<u>Match Hours</u>	<u>Wage Rate</u>	TxDOT Salaries	<u>Match Salaries</u>	Total Salaries	<u>Fringe %</u>	To
A. Enforcement								
Officers/Deputies:	2000		\$41.000	\$82,000.00		\$82,000.00	16.32%	\$
Sergeants:	350		\$55.000	\$19,250.00		\$19,250.00	16.32%	:
Lieutenants/Other:	135	15	\$58.000	\$7,830.00	\$870.00	\$8,700.00	16.32%	:
B. PI&E Activities								
PI&E Activities:	50		\$41.000	\$2,050.00	\$0	\$2,050.00	16.32%	
C. Administrative Duties								
LT McDaniel Coordinator/Admin Duties	100		\$61.610	\$6,161.00		\$6,161.00	16.32%	:
			\$0				%	
			\$0				%	
			\$0				%	
			\$0				%	
			\$0				%	
Total:				\$117,291.00	\$870.00	\$118,161.00		\$
<u>Category</u>		<u>TxDOT</u>	<u>%</u>		<u>Match</u>		<u>%</u>	
Salaries:		\$117,291.00	99.26%		\$870.00		0.74%	\$1
Fringe Benefits:		\$0	0.00%		\$19,283.88		100.00%	\$
Breakdown of Fringe Percentages: Soc. Sec. is 7.65% TMRS is 8.01 % Workman's Comp is .66%  Total is 16.32%						Details of regular time, if included in any of the above hours :		



### STEP ENFORCEMENT MILEAGE

**Instructions:**

**Unit # :** Provide your agency's inventory number or other identifying number for each vehicle. To assist in calculating your agency's average enforcement mileage rate, we are requesting information from a sampling of five (5) patrol vehicles. The calculator will average the costs from all vehicles to arrive at the average operational cost per vehicle mile. If your agency does not have at least five patrol vehicles that are used for enforcement, include the requested information for the vehicles that you have.

**Original Vehicle Cost :** Provide each vehicle's total cost. (The total cost could include vehicle base cost, equipment/accessories and preparation costs).

**Life Expectancy (In Years) :** Provide the number of years that your agency expects the vehicle(s) will be used for enforcement activities. Many agencies have policies stating vehicles will be used for a specific time period (years) and some agencies determine mileage as the basis for vehicle retirement from enforcement. If mileage is used, determine the average number of years it takes for agency's vehicles to reach their mileage limit.

**Maintenance Costs :** Provide historical maintenance costs for the latest 12 month period available for each vehicle. Maintenance costs can also include annual liability insurance costs.

**Fuel Costs :** Provide historical fuel costs for the latest 12 month period available for each vehicle.

**Yearly Miles:** Provide the yearly enforcement miles for each vehicle. Use each vehicle's mileage logs or other available information to document the average number of enforcement miles driven annually or simply divide the mileage by the number of years the vehicle has been in use for enforcement activities.

	Unit #	Original Vehicle Cost	Life Expectancy (In Years)	Maintenance Costs	Fuel Costs	Yearly Miles	OP Cost/Mile
Vehicle 1	3106	\$30,736.00	5	\$1,480.43	\$1,273.05	8110	\$1.10
Vehicle 2	3122	\$30,736.00	5	\$1,748.13	\$1,953.00	10870	\$0.91
Vehicle 3	3019	\$35,577.00	5	\$449.08	\$2,118.76	8215	\$1.18
Vehicle 4	3163	\$43,820.00	5	\$1,818.18	\$1,741.00	10022	\$1.23
Vehicle 5	M315	\$17,348.00	5	\$1,582.78	\$216.62	4576	\$1.15

Average Operational Cost of the Vehicle Per Mile : \$1.11

**Number of Miles Proposed : 15000**

**TOTAL : \$16,650.00**

	Amount	Percentages

City of Killeen - Police Department  
STEP-2017

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TxDOT	\$0	0.00%
Match	\$16,650.00	100.00%
Total	\$16,650.00	

**BUDGET SUMMARY**

Budget Category		TxDOT	Match	Total
<b>Category I - Labor Costs</b>				
(100)	Salaries:	\$117,291.00	\$870.00	\$118,161.00
(200)	Fringe Benefits:	\$0	\$19,283.88	\$19,283.88
	Sub-Total:	\$117,291.00	\$20,153.88	\$137,444.88
<b>Category II - Other Direct Costs</b>				
(300)	Travel:	\$0	\$16,650.00	\$16,650.00
(400)	Equipment:	\$0	\$0	\$0
(500)	Supplies:	\$0	\$0	\$0
(600)	Contractual Services:	\$0	\$0	\$0
(700)	Other Miscellaneous:	\$0	\$0	\$0
	Sub-Total:	\$0	\$16,650.00	\$16,650.00
<b>Total Direct Costs:</b>		\$117,291.00	\$36,803.88	\$154,094.88
<b>Category III - Indirect Costs</b>				
(800)	Indirect Cost Rate:	\$0	\$0	\$0
<b>Summary</b>				
	Total Labor Costs:	\$117,291.00	\$20,153.88	\$137,444.88
	Total Direct Costs:	\$0	\$16,650.00	\$16,650.00
	Total Indirect Costs:	\$0	\$0	\$0
<b>Grand Total</b>		\$117,291.00	\$36,803.88	\$154,094.88
	Fund Sources (Percent Share):	76.12%	23.88%	
Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in Egrants.				



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-16-045	<b>Version:</b>	1	<b>Name:</b>	FY 17 Budget Amendment for Termination of Fleet Funding Program
<b>Type:</b>	Ordinance/Public Hearing	<b>Status:</b>		<b>Status:</b>	Public Hearings
<b>File created:</b>	11/17/2016	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	12/6/2016	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen for the termination of the Fleet Funding Program.				
<b>Sponsors:</b>	Finance Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Council Memorandum</a> <a href="#">Ordinance</a>				

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council Workshop		

## **CITY COUNCIL MEMORANDUM**

### **AGENDA ITEM**

### **FY 2017 Fleet Funding Program Termination Budget Amendment**

### **ORIGINATING DEPARTMENT**

**City Manager / Finance**

### **BACKGROUND INFORMATION**

On January 26, 2016, the City Council approved the establishment of an internal service fund and a Fleet Funding Program (FFP). The FFP consists of two components: fleet replacement for the purchase of fleet, and fleet operations for the maintenance of fleet. The goal of the FFP is to ensure that adequate funds are available to purchase and maintain City vehicles. A total of \$5,500,000 was transferred into the internal service fund to start the program.

After the FFP was established, the outlook on the City's financial health changed significantly. The strategy is now shifting to focus on the City's current financial condition. Part of the financial recovery process is to address immediate budget shortfalls. The newly adopted FFP is intensifying the strain on the operating funds.

### **DISCUSSION/CONCLUSION**

The recommendation is to terminate the FFP and return the remaining funds to the original source on a pro-rata basis. Fleet Operations (e.g. technicians) will remain in the internal service fund and will be supported by the operational funds that receive services from the department. Since the General Fund did not make a contribution towards the FFP in FY 2017, a total of \$643,777 will be left in the internal service fund to cover the General Fund's contribution towards fleet operations. That leaves an estimated balance of \$1,377,665 to be returned to the original source.

At the inception of the FFP, Solid Waste contributed \$1,700,000, Water & Sewer contributed \$2,800,000, and \$1,000,000 was contributed from the 2014 Certificates of Obligation bond proceeds. Reducing the initial contribution made by the respective funds by the amount of vehicles purchased for the benefit of each fund, leaves a pro-rata remaining contribution amount of 35.7% for Solid Waste and 64.3% for Water & Sewer. The \$1,377,665 in remaining funds will be distributed based on the pro-rata remaining contribution. The Solid Waste fund will receive \$491,826 (35.7% x \$1,377,665); the Water & Sewer fund will receive \$885,839 (64.3% x \$1,377,665).

### **FISCAL IMPACT**

The budget amendment will allow for the transfer of funds back to the Solid Waste and Water & Sewer funds. The following budget changes will be made:

<b>Revenues</b>				
Account Number	Description	Budget	Change	Amended
601-0000-371.92-14	Transfer from HOT	\$20,000	(\$19,136)	\$864
601-0000-371.95-40	Transfer from Solid Waste	\$2,200,000	(\$1,517,515)	\$682,485
601-0000-371.95-50	Transfer from W/S	\$800,000	(\$708,570)	\$91,430
601-0000-371.95-75	Transfer from Drainage	\$300,000	(\$281,714)	\$18,286
540-0000-371.96-01	Transfer from Fleet ISF	\$0	\$491,826	\$491,826
550-0000-371.96-01	Transfer from Fleet ISF	\$0	\$885,839	\$885,839
Total Revenues		\$3,320,000	(\$1,149,270)	\$2,170,730

<b>Expenses</b>				
Account Number	Description	Budget	Change	Amended
601-0505-521.61-10	Aviation Vehicles	\$59,500	(\$59,500)	\$0
601-2050-411.61-10	Utility Collection Vehicles	\$28,000	(\$28,000)	\$0
601-2130-460.61-10	Purchasing Vehicles	\$25,500	(\$25,500)	\$0
601-2132-460.61-10	Custodial Vehicles	\$33,000	(\$33,000)	\$0
601-2133-460.61-10	Fleet Operations Vehicles	\$27,700	(\$27,700)	\$0
601-3020-424.61-10	Golf Course Vehicles	\$30,350	(\$30,350)	\$0
601-3025-425.61-10	Parks Vehicles	\$30,350	(\$30,350)	\$0
601-3025-425.61-35	Parks Equipment	\$33,342	(\$33,342)	\$0
601-3420-436.61-10	Water/Sewer Vehicles	\$36,500	(\$36,500)	\$0
601-3435-432.61-10	Engineering Vehicles	\$33,000	(\$33,000)	\$0
601-3440-434.61-10	Traffic Vehicles	\$29,560	(\$29,560)	\$0
601-3445-434.61-10	Streets Vehicles	\$193,766	(\$193,766)	\$0
601-3448-434.61-10	Drainage Vehicles	\$251,000	(\$251,000)	\$0
601-3460-439.61-10	Residential Serv. Vehicles	\$359,286	(\$359,286)	\$0
601-3465-439.61-10	Commercial Serv. Veh.	\$30,500	(\$30,500)	\$0
601-3475-439.61-10	Transfer Station	\$27,161	(\$27,161)	\$0
601-4052-450.61-10	Building/Inspection Veh.	\$28,671	(\$28,671)	\$0
601-6000-441.61-10	Police Vehicles	\$1,589,910	(\$1,589,910)	\$0
601-7070-442.61-10	Fire Vehicles	\$260,000	(\$260,000)	\$0
601-0000-470.95-40	Transfer to Solid Waste	\$0	\$491,826	\$491,826
601-0000-470.95-50	Transfer to Water/Sewer	\$0	\$885,839	\$885,839
Total Revenues		\$3,107,096	(\$1,729,431)	\$1,377,665

## RECOMMENDATION

Staff recommends that City Council approve the termination of the Fleet Funding Program and the corresponding budget amendment that permits the remaining funds to be distributed back to the Water/Sewer and Solid Waste funds.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN FOR THE TERMINATION OF THE FLEET FUNDING PROGRAM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, has been adopted by City Council in accordance with the City Charter; and

**WHEREAS**, it is the desire of the Killeen City Council to terminate the Fleet Funding Program;

**WHEREAS**, the transfer of the remaining funds back to the original source requires a budget amendment;

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

**SECTION I.** That Ordinance 16-044 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, be amended as to the portion of said budget as follows:

<b>Revenues</b>				
Account Number	Description	Budget	Change	Amended Budget
601-0000-371.92-14	Transfer from HOT	\$20,000	(\$19,136)	\$864
601-0000-371.95-40	Transfer from Solid Waste	\$2,200,000	(\$1,517,515)	\$682,485
601-0000-371.95-50	Transfer from W/S	\$800,000	(\$708,570)	\$91,430
601-0000-371.95-75	Transfer from Drainage	\$300,000	(\$281,714)	\$18,286
540-0000-371.96-01	Transfer from Fleet ISF	\$0	\$491,826	\$491,826
550-0000-371.96-01	Transfer from Fleet ISF	\$0	\$885,839	\$885,839
Total Revenues		\$3,320,000	(\$1,149,270)	\$2,170,730

<b>Expenses</b>				
Account Number	Description	Budget	Change	Amended Budget
601-0505-521.61-10	Aviation Vehicles	\$59,500	(\$59,500)	\$0
601-2050-411.61-10	Utility Collection Vehicles	\$28,000	(\$28,000)	\$0
601-2130-460.61-10	Purchasing Vehicles	\$25,500	(\$25,500)	\$0
601-2132-460.61-10	Custodial Vehicles	\$33,000	(\$33,000)	\$0
601-2133-460.61-10	Fleet Operations Vehicles	\$27,700	(\$27,700)	\$0
601-3020-424.61-10	Golf Course Vehicles	\$30,350	(\$30,350)	\$0
601-3025-425.61-10	Parks Vehicles	\$30,350	(\$30,350)	\$0
601-3025-425.61-35	Parks Equipment	\$33,342	(\$33,342)	\$0

601-3420-436.61-10	Water/Sewer Vehicles	\$36,500	(\$36,500)	\$0
601-3435-432.61-10	Engineering Vehicles	\$33,000	(\$33,000)	\$0
601-3440-434.61-10	Traffic Vehicles	\$29,560	(\$29,560)	\$0
601-3445-434.61-10	Streets Vehicles	\$193,766	(\$193,766)	\$0
601-3448-434.61-10	Drainage Vehicles	\$251,000	(\$251,000)	\$0
601-3460-439.61-10	Residential Serv. Vehicles	\$359,286	(\$359,286)	\$0
601-3465-439.61-10	Commercial Serv. Veh.	\$30,500	(\$30,500)	\$0
601-3475-439.61-10	Transfer Station	\$27,161	(\$27,161)	\$0
601-4052-450.61-10	Building/Inspection Veh.	\$28,671	(\$28,671)	\$0
601-6000-441.61-10	Police Vehicles	\$1,589,910	(\$1,589,910)	\$0
601-7070-442.61-10	Fire Vehicles	\$260,000	(\$260,000)	\$0
601-0000-470.95-40	Transfer to Solid Waste	\$0	\$491,826	\$491,826
601-0000-470.95-50	Transfer to Water/Sewer	\$0	\$885,839	\$885,839
Total Revenues		\$3,107,096	(\$1,729,431)	\$1,377,665

**SECTION II.** That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

**SECTION III.** That should any section or part of any section or paragraph 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 all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 6th day of December, 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:**

\_\_\_\_\_  
Dianna Barker, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kathryn H. Davis, CITY ATTORNEY





# City of Killeen

## Legislation Details

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**File #:** PH-16-046A    **Version:** 1    **Name:** Special Revenue Fund  
**Type:** Resolution/Public Hearing    **Status:** Public Hearings  
**File created:** 10/21/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consider a memorandum/resolution establishing a special revenue fund for wellness.  
**Sponsors:** Human Resources Department, Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council Workshop		

## **CITY COUNCIL MEMORANDUM**

### **AGENDA ITEM**

**Establish a Special Revenue Fund for Wellness**

### **ORIGINATING DEPARTMENT**

**Human Resources**

### **BACKGROUND INFORMATION**

Employee engagement with respect to wellness was incentivized for the first time in FY17. At a workshop on June 7, 2016, City Council was briefed on the employee participation and engagement surcharge. Employees were given two activities for which participation was required to avoid paying a non-engagement surcharge that accompanied their healthcare premium. Employees who chose not to participate are paying an engagement surcharge of \$50 per month, a total of \$600 annually.

The parameters set by the IRS with respect to spending the funds focus on employee wellness.

### **DISCUSSION/CONCLUSION**

Wellness programs will be designed to improve employee health and subsequently assist in reducing the cost of healthcare. Examples include membership in the city gym and smoking cessation programming. For FY18, the City is considering an additional wellness surcharge for tobacco use.

### **FISCAL IMPACT**

From the non-participation wellness fee, revenue in the special fund is projected to be \$100,000. Expenditures directly related to wellness will be \$100,000.

### **RECOMMENDATION**

Staff recommends that the City Council approve establishing a special revenue fund for wellness.



# City of Killeen

## Legislation Details

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**File #:** PH-16-046B    **Version:** 1    **Name:** FY 17 Budget Amendment Wellness Fund  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 11/16/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to create a special revenue fund for wellness.  
**Sponsors:** Finance Department, Human Resources Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Budget Amendment to Establish a Special Revenue Fund for Wellness**

### ORIGINATING DEPARTMENT

**Human Resources / Finance**

### BACKGROUND INFORMATION

Employee engagement with respect to wellness was incentivized for the first time in FY17. At a workshop on June 7, 2016, City Council was briefed on the employee participation and engagement surcharge. Employees were given two activities for which participation was required to avoid paying a non-engagement surcharge that accompanied their healthcare premium. Employees who chose not to participate are paying an engagement surcharge of \$50 per month, a total of \$600 annually.

### DISCUSSION/CONCLUSION

Wellness programs will be designed to improve employee health and subsequently assist in reducing the cost of healthcare. Examples include membership in the city gym and smoke cessation programs. For FY18, the City is considering an additional wellness surcharge for tobacco use.

### FISCAL IMPACT

Currently, 209 employees pay the non-participation wellness fee. It is estimated that approximately \$100,000 in revenue will be deposited into the special revenue fund. Expenditures directly related to wellness will be \$100,000.

### Special Revenue Fund

#### Revenues:

Account Number	Description	Original Budget	Budget Increase	Amended Budget
252-0000-363-9950	Misc. Receipts	\$0	\$100,000	\$100,000
Total		\$0	\$100,000	\$100,000

#### Expenditures:

Account Number	Description	Original	Budget Increase	Amended Budget
252-2305-418-4105	Office Supplies	\$0	\$ 5,000	\$ 5,000
252-2305-418-4475	Dues & Memb	\$0	\$ 65,000	\$ 65,000
252-2305-418-4705	Medical/Couns	\$0	\$ 30,000	\$ 30,000
Total		\$0	\$100,000	\$100,000

**General Fund**

Account Number	Description	Original	Budget Increase	Amended Budget
010-0000351-5000	Rec Ctr. Memb	\$0	\$ 65,000	\$ 65,000
Total		\$0	\$ 65,000	\$ 65,000

**RECOMMENDATION**

Staff recommends that the City Council approve the budget amendment establishing a special revenue fund for wellness.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY ESTABLISHING A SPECIAL REVENUE FUND FOR THE WELLNESS PROGRAM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, has been adopted by City Council in accordance with the City Charter; and

**WHEREAS**, it is the desire of the Killeen City Council to establish special revenue fund for the wellness program;

**WHEREAS**, the establishment of a special revenue fund requires a budget amendment;

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

**SECTION I.** That Ordinance 16-044 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, be amended as to the portion of said budget as follows:

**Revenues:**

<i>Account Number</i>	<i>Description</i>	<i>Original Budget</i>	<i>Budget Increase</i>	<i>Amended Budget</i>
252-0000-363-99-50	Miscellaneous Receipts	\$0	\$100,000	\$100,000
010-0000-351-50-00	Recreation Center Memberships	\$0	\$65,000	\$65,000

**Expenditures:**

<i>Account Number</i>	<i>Description</i>	<i>Original Budget</i>	<i>Budget Increase</i>	<i>Amended Budget</i>
252-2305-418-41-05	Office Supplies	\$0	\$5,000	\$5,000
252-2305-418-44-75	Dues and Memberships	\$0	\$65,000	\$65,000
252-2305-418-47-05	Medical / Counseling	\$0	\$30,000	\$30,000

**SECTION II.** That the special revenue fund for the wellness program will not pay indirect costs or any franchise fees to the General Fund.

**SECTION III.** That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

**SECTION IV.** That should any section or part of any section or paragraph 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 V.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 6th day of \_\_December\_\_, 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:**

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Dianna Barker, CITY SECRETARY

**APPROVED AS TO FORM:**

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Kathryn H. Davis, CITY ATTORNEY



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-16-047	<b>Version:</b>	1	<b>Name:</b>	FY 17 Budget Amendment Hail Damage Roof Repair
<b>Type:</b>	Ordinance/Public Hearing			<b>Status:</b>	Public Hearings
<b>File created:</b>	11/16/2016			<b>In control:</b>	City Council
<b>On agenda:</b>	12/6/2016			<b>Final action:</b>	
<b>Title:</b>	HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen for roof repairs due to hail damaged roof coverings at Killeen Arts and Activities Center and Stonetree Golf Club.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Council Memorandum Ordinance</a>				

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council Workshop		



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**FY 2017 Budget Amendment for Roof Replacement at the KAAC and Stonetree Golf Club**

### ORIGINATING DEPARTMENT

**Community Development / Finance**

### BACKGROUND INFORMATION

On April 28, 2014, a hail storm damaged multiple properties owned by the City of Killeen. A claim was filed with Texas Municipal League Intergovernmental Risk Pool (TMLIRP), and the initial total damage assessment was \$435,665.34. All damaged roofing identified in the initial damage assessment was repaired in 2014. In April of 2016, latent hail damage was noted on the Duro-Last roofing at the Killeen Arts & Activities Center and the composite shingles of the roofing at the Stonetree Golf Club. A new claim was filed with the TMLIRP, and the initial total damage assessment for latent hail damage was \$76,997.67.

### DISCUSSION/CONCLUSION

Quotations have been obtained from Harrison Roofing Company Incorporated (TIPS Contract #2092415) for replacement of hail damaged roof coverings at the Killeen Arts & Activities Center and Stonetree Golf Club. Total replacement cost of both quotes combined is \$81,399.75.

### FISCAL IMPACT

A check in the amount of \$56,275 has been received from TMLIRP. An additional \$20,702.76 may be reimbursed once all roof replacements are completed. The total repair cost is \$81,399.75 and will be charged to a Building Maintenance Account. The budget amendment will do the following:

#### Revenues:

Account Number	Description	Original Budget	Budget Increase	Amended Budget
010-0000-363-9952	Insurance Proc	\$0	\$56,275	\$ 56,275

#### General Fund:

Account Number	Description	Original Budget	Budget Increase	Amended Budget
010-2131-460-4210	Bldg. Mainten.	\$186,413	\$56,275	\$242,688

## **RECOMMENDATION**

Staff recommends that City Council approve the ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND REVENUE ACCOUNTS BY \$56,275; INCREASING GENERAL FUND EXPENDITURE ACCOUNTS BY \$56,275; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, has been adopted by City Council in accordance with the City Charter; and

**WHEREAS**, it is the desire of the Killeen City Council to increase the General Fund Revenue accounts and the General Fund expenditure account for Building Maintenance; and

**WHEREAS**, the need for additional funds requires a budget amendment;

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

**SECTION I.** That Ordinance 16-044 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, be amended as to the portion of said budget as follows:

**Revenues:**

<i>Account Number</i>	<i>Description</i>	<i>Original Budget</i>	<i>Budget Increase</i>	<i>Amended Budget</i>
010-0000-363-99-52	Insurance Proceeds	\$0	\$56,275	\$56,275

**Expenditures:**

<i>Account Number</i>	<i>Description</i>	<i>Original Budget</i>	<i>Budget Increase</i>	<i>Amended Budget</i>
010-2131-460-42-10	Building Maintenance	\$186,413	\$56,275	\$242,688

**SECTION II.** That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

**SECTION III.** That should any section or part of any section or paragraph 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 all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 6th day of December, 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**

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Jose L. Segarra, MAYOR

**ATTEST:**

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Dianna Barker, CITY SECRETARY

**APPROVED AS TO FORM:**

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Kathryn H. Davis, CITY ATTORNEY



# City of Killeen

## Legislation Details

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**File #:** OR-16-023    **Version:** 1    **Name:** Fire Authorization Amendment  
**Type:** Ordinance    **Status:** Ordinances  
**File created:** 11/16/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consider an ordinance to amend the number of authorized civil service positions for the Killeen Fire Department.  
**Sponsors:** Human Resources Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

### Ordinance To Amend the Number of Authorized Civil Service Positions for the Killeen Fire Department

### ORIGINATING DEPARTMENT

Human Resources

### BACKGROUND INFORMATION

The Texas Local Government Code (TLGC), Chapter 143, became effective September, 1977; this codification represents an effort to present, in a coherent and practical format, the laws and civil service procedures for Texas police and fire departments. The civil service system was established in the City of Killeen in an election duly called and lawfully conducted on August 13, 1977. The rules and regulations of TLGC Chapter 143 apply to all classified police and fire officers.

One of the provisions of TLGC, Chapter 143, is that the municipality's governing body establishes the civil service classifications by ordinance. This ordinance, as adopted by the governing body, further prescribes the number of positions in each classification [TLGC 143.021(a)].

TLGC 143 provides the department head of a civil service fire department with fewer than 300 certified fire fighters may make one appointment occupying the position immediately below that of the department head. [143.014(c)]. The other Deputy Chief positions are tested positions.

### DISCUSSION/CONCLUSION

A Deputy Chief retired on October 3, 2016, and he held the appointed position. This ordinance will eliminate that position, which will aid in the resolution of the projected budget shortfalls. The workload of the administrative functions of the fire department will be shared among the remaining four (4) Deputy Chief positions. As a result, the overall impact to the efficient functioning of the fire department will be minimized.

The Human Resources Department is requesting changes to the current fire staffing by eliminating one (1) appointed Deputy Chief position.

Current Strength of Force for KFD		Revised Strength of Force for KFD	
Fire and Rescue Officer	190	Fire and Rescue Officer	190
Fire Captain	29	Fire Captain	29
Battalion Chief	6	Battalion Chief	6
Deputy Chief of Fire	5	Deputy Chief of Fire	4

**FISCAL IMPACT**

Financial impact will be a savings of \$100,132.71.

**RECOMMENDATION**

Staff recommends the adoption of the proposed ordinance to eliminate one (1) appointed Deputy Chief, full-time position.

ORDINANCE NO. \_\_\_\_\_

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

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

**SECTION I.** That the City Council authorizes the following civil service classifications of employees in the Fire Department of the City of Killeen shall be amended for the purpose of covering such employees under the provisions of Texas Local Government Code 143.021(a) as required by statute. These classifications and no others shall exist with the number shown indicating the number of positions in each classification:

<u><b>CLASSIFICATION</b></u>	<u><b>NUMBER IN EACH CLASSIFICATION</b></u>			
	<u><b>FY 15-16 (amended October, 2016)</b></u>		<u><b>FY 16-17 (amended December, 2016)</b></u>	
	<u><b>(Base Authorization)</b></u>	<u><b>(Over hire)</b></u>	<u><b>(Base Authorization)</b></u>	<u><b>(Over hire)</b></u>
Fire and Rescue Officer	190	7	190	7
Fire Captain	29	0	29	0
Battalion Chief	6	0	6	0
Deputy Fire Chief	5	0	4	0

That this change to amend the authorized number of Deputy Fire Chiefs reflects a reduction in the number of the base authorizations of Deputy Fire Chief positions by one (1) authorized position.

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

**SECTION III.** That should any part of this ordinance be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

**SECTION IV.** That this ordinance shall be effective December 6, 2016, and 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 6th day of December, 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:**

---

Dianna Barker, CITY SECRETARY

**APPROVED AS TO FORM:**

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Kathryn H. Davis, CITY ATTORNEY