



# City of Killeen

## Agenda City Council

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Tuesday, July 14, 2015

5:00 PM

Killeen City Hall  
101 North College Street  
City Council Chambers

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### Call to Order and Roll Call

\_\_\_ Scott Cospers, Mayor      \_\_\_ Jim Kilpatrick  
\_\_\_ Jose Segarra                \_\_\_ Brockley Moore  
\_\_\_ Elizabeth Blackstone      \_\_\_ Jonathan Okray  
\_\_\_ Shirley Fleming             \_\_\_ Juan Rivera

### Invocation

### Pledge of Allegiance

### Approval of Agenda

### Minutes

[MN-15-008](#) Consider minutes of Regular City Council Meeting of June 23, 2015.

**Attachments:** [Minutes](#)

[MN-15-009](#) Consider minutes of Special City Council Meeting of July 7, 2015.

**Attachments:** [Minutes](#)

### Resolutions

[RS-15-039](#) Consider a memorandum/resolution authorizing the procurement of forty-two (42) encrypted digital handheld radios for the Police Department.

**Attachments:** [Council Memorandum](#)  
[Harris Sole Source Letter](#)  
[Dailey-Wells Communications Quote](#)  
[TAC 1 Systems Quote](#)  
[Battery Universe Quote](#)  
[First Response Quote](#)

[RS-15-040](#) Consider a memorandum/resolution to renew the annual maintenance agreement with SunGard Public Sector.

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

[RS-15-041](#) Consider a memorandum/resolution approving Addendum No. 3 to the Killeen Fort Hood Regional Airport Subway Real Estate LLC lease agreement.

**Attachments:** [Council Memorandum](#)  
[Addendum No. 3](#)

## Ordinances

[OR-15-012](#) Consider an ordinance approving Killeen Arts Commission recommendations for grant allocations of FY16 Hotel Occupancy Tax funds.

**Attachments:** [Council Memorandum](#)  
[FY16 Grant Recommendations](#)  
[Ordinance](#)

## Public Hearings

[PH-15-022](#) HOLD a public hearing and consider an ordinance authorizing the 2015-2019 Consolidated Strategic Plan submission and the 2015-2016 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (Second of Two Public Hearings)

**Attachments:** [Council Memorandum](#)  
[CDAC Minutes](#)  
[CDAC Funding Allocations](#)  
[Ordinance](#)  
[2015-2019 Consolidated Strategic Plan Summary](#)

[PH-15-024](#) HOLD a public hearing and consider an ordinance requested by Dinna Hamilton (Case #Z15-10) to rezone .309 acres, part of the A. Dickson Survey, Abstract No. 266, from "B-5" (Business District) with a Special Use Permit (SUP) to "B-5" (Business District) with a Conditional Use Permit (CUP) for continued use as Mid-Tex Towing. The property is locally known as 4100 E. Veterans Memorial Boulevard, Killeen, Texas.

**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)  
[Application](#)  
[Location map](#)  
[Buffer map](#)  
[Considerations](#)

[PH-15-025A](#) HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' and 'Rural' to 'General Commercial' (FLUM# Z15-11) for approximately 8.288 acres, being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the east right-of-way of South W.S. Young Drive, approximately 300' south of E. Stan Schlueter Loop (FM 3470) and north of Rio Grande Court, Killeen, Texas.

**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[FLUM Amendment Request](#)  
[Minutes](#)  
[Ordinance](#)

[PH-15-025B](#) HOLD a public hearing and consider an ordinance requested by LAM Estates, Ltd. (Case #Z15-11) to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District) for property located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)  
[Application](#)  
[Location map](#)  
[Buffer map](#)  
[Considerations](#)

[PH-15-026](#) 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# Z15-12) for approximately 52.54 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located along the north right-of-way of Stagecoach Road, approximately 420 feet west of Rein Drive, Killeen, Texas.

**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)  
[Request for FLUM Amendment](#)

[PH-15-027](#) HOLD a public hearing to provide citizens the opportunity to comment, and City Council to discuss and consider the application and Interlocal

Agreement of the Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2015-16.

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

[PH-15-028A](#) Consider a memorandum/resolution authorizing the award of Bid No. 15-16 for a construction contract to RM Rodriguez Construction, LP for the Killeen Fort Hood Regional Trail (Segment 3) project.

**Attachments:** [Council Memorandum](#)  
[Engineer Award Recommendation Letter](#)  
[Bid Tabulation](#)

[PH-15-028B](#) HOLD a public hearing and consider an ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing Certificate of Obligation 2014 Fund revenue accounts by \$256,000 and expenditure accounts by \$659,675, to fund Killeen Fort Hood Regional Trail - Segment 3 (Westside Trail) project.

**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 July 10, 2015.*

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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.*

## Future Workshop Items

*The following items have been scheduled for workshop discussion on the dates shown.*

*The final scheduling of these items is dependent upon the presenters/interested parties being available on the dates projected.*

## **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.*

- *Community Forum, July 30, 2015, 6:00 p.m., Killeen Police Headquarters, North Precinct*
- *Flavors of Central Texas, August 4, 2015, 5:30 p.m., Killeen Civic and Conference Center*

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



# City of Killeen

## Legislation Details

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**File #:** MN-15-008    **Version:** 1    **Name:** Minutes of Regular City Council Meeting of June 23, 2015  
**Type:** Minutes    **Status:** Minutes  
**File created:** 6/15/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** Consider minutes of Regular City Council Meeting of June 23, 2015.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
June 23, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospers

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

Absent: Juan Rivera

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

Chaplin Dillard gave the invocation, and Councilmember Fleming led everyone in the pledge of allegiance.

**Approval of Agenda**

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

**Minutes**

*Motion was made by Councilmember Kilpatrick to approve the minutes of the June 9th Regular City Council Meeting. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**Resolutions**

**RS-15-031** Consider a memorandum/resolution authorizing Contract Amendment No. 1 with Mitchell & Associates, Inc. for the Brookhaven Elementary School Sidewalk Project.

**Staff comments:** George Lueck

Mitchell & Associates submitted Contract Amendment No. 1 for the addition of engineering and surveying services necessary to design the hike and bike trail components to the Brookhaven Sidewalks Project to include a 10-foot wide shared-use path with landscaping, pedestrian creek crossing, and lighting features. The fiscal impact associated with this action is an increase of \$69,400 for a total contract amount of \$91,400. Staff recommends that the City Council authorize the City Manager to execute Contract Amendment No. 1 with Mitchell & Associates, Inc. for the Brookhaven Elementary School Sidewalks Project.

*Motion was made by Councilmember Blackstone to approve RS-031. Motion was seconded by Councilmember Moore. Motion carried unanimously.*

**RS-15-032** Consider a memorandum/resolution authorizing the City Manager to execute an advanced funding agreement (AFA) with the Texas Department of Transportation (TxDOT) to construct an off-system shared-use trail to Brookhaven Elementary and Rancier Middle schools.

**Staff comments:** George Lueck

The total fiscal impact associated with this is \$171,881, of which \$9,375 is due upon the execution of the AFA. City staff recommends that the City Council authorize the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation Alternatives Program and issue payment in the amount of \$9,375 to the Texas Department of Transportation to move forward with the project.

*Motion was made by Councilmember Fleming to approve RS-032. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**RS-15-033** Consider a memorandum/resolution approving a lease agreement with the Texas State Technical College (TSTC) for hangar facilities at Skylark Field.

**Staff comments:** Matthew Van Valkenburgh

This lease agreement will provide for initial gross revenue of \$37,200 per year with CPI increases each year through years two to five of the lease. Staff recommends City Council approve the attached lease agreement with TSTC and authorize the City Manager to execute same and any subsequent amendments to the lease.

*Motion was made by Councilmember Moore to approve RS-033. Motion was seconded by Councilmember Blackstone. Motion carried unanimously.*

**RS-15-034** Consider a memorandum/resolution approving the selection of Garver LLC for the performance of architectural, planning, and engineering services for the Killeen Fort Hood Regional Airport and Robert Gray Army Airfield.

**Staff comments:** Matthew Van Valkenburgh

Staff recommends City Council approve the selection of Garver LLC to perform architectural, planning, and engineering services for a period of up to five (5) years for Killeen-Fort Hood Regional Airport and Robert Gray Army Airfield.

*Motion was made by Councilmember Moore to approve RS-034. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.*

**RS-15-035** Consider a memorandum/resolution authorizing the award of Bid No. 15-17 for a construction contract to Bruce Flanigan Construction for the Bermuda/Ronstan Phase I Project.

**Staff comments:** Scott Osburn

City staff recommends that the City Council authorize the City Manager to enter into a contract with Bruce Flanigan Construction, Inc. for \$722,722.00 for the Bermuda/Ronstan Creek Phase I Project and that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

*Motion was made by Councilmember Fleming to approve RS-035. Motion was seconded by Councilmember Moore. Motion carried unanimously.*

**RS-15-036** Consider a memorandum/resolution authorizing the award of Bid No. 15-20 to purchase motorcycles with emergency equipment installation for the Police Department.

**Staff comments:** Frank Tydlacka

Staff recommends the purchase from Fort Hood Harley-Davidson of four (4) police motorcycles, including installation of emergency equipment, for a total bid price of \$79,862.12, approval of the conditional buyback option, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

*Motion was made by Councilmember Blackstone to approve RS-036. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.*

**RS-15-037** Consider a memorandum/resolution appointing a replacement Killeen Industrial Foundation representative to the Killeen Economic Development Corporation board.

**Staff comments:** Dr. Ann Farris

It is recommended that the City Council appoint Karl Green to replace Steve Hanik.

*Motion was made by Councilmember Moore to approve RS-037. Motion was seconded by Mayor Pro-Tem Segarra. Motion carried unanimously.*

### **Ordinances**

**OR-15-011** Consider an ordinance extending the corporate city limits of the City of Killeen by annexing 32.757 acres located along the east right-of-way of Bunny Trail, approximately 2,460 feet south of W. Stan Schlueter Loop, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS TO INCLUDE LAND LYING ADJACENT TO THE PRESENT CITY LIMITS; DECLARING SAID LAND TO BE A PART OF SAID CITY; DECLARING SAID LAND AND PRESENT AND FUTURE INHABITANTS OF SAID LAND TO BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES OF OTHER LANDS AND CITIZENS OF THE CITY AND TO BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; EXTENDING THE BOUNDARY OF DISTRICT 4; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; ESTABLISHING AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain

Staff recommends that the City Council approve the annexation ordinance for the voluntary annexation of 32.757 acres into the corporate limits of the City of Killeen.

*Motion was made by Councilmember Kilpatrick to approve OR-011. Motion was seconded by Councilmember Moore. Motion carried unanimously.*

### **Public Hearings**

**PH-15-023** HOLD a public hearing and consider an ordinance requested by Fred and Linda Garvin (Case #Z15-09) to rezone Lot 5, Block 33, Crescent Manor, 2nd Extension, from "B-1" (Professional Business District) to "B-2" (Local Retail District). The property is locally known as 1507 South W.S. Young 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 B-1 (PROFESSIONAL BUSINESS DISTRICT) TO B-2 (LOCAL RETAIL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Staff notified twenty-six (26) surrounding property owners within the 200' notification area. Staff has received four (4) responses, which includes a protest from John W. Hughes, the owner of 1514 South W. S. Young Drive.

After hearing comments from the staff and the applicant regarding the intended use of the subject property, the Planning and Zoning Commission recommended approval of "B-2" (Local Retail District) zoning by a vote of 6 to 0 (with Commissioner Cooper abstaining).

Mayor Cospoer opened the public hearing.

Fred Garvin, 2859 E. Stagecoach Rd. - spoke in favor of the request.

With no one else appearing the public hearing was closed.

*Motion was made by Mayor Pro-Tem Segarra to approve PH-023. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Segarra, seconded by Councilmember Fleming, and unanimously approved, the meeting was adjourned at 5:18 p.m.



# City of Killeen

## Legislation Details

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**File #:** MN-15-009    **Version:** 1    **Name:** Minutes of Special City Council Meeting of July 7, 2015.  
**Type:** Minutes    **Status:** Minutes  
**File created:** 6/29/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** Consider minutes of Special City Council Meeting of July 7, 2015.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

**City of Killeen**  
Special City Council Meeting  
Killeen City Hall  
July 7, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cosper

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

Absent: Councilmember Shirley Fleming

Also attending were City Manager Glenn Morrison, Deputy City Attorney Traci Briggs, Dianne Morrow (for City Secretary Dianna Barker), and Sergeant-at-Arms McDaniel.

**Approval of Agenda**

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

**Ordinances / Resolutions**

- RS-15-038** A. RECEIVE Fiscal Year 2015-16 Proposed Annual Budget and Plan of Municipal Services.
- B. Presentation/Briefing - City Manager's Proposed Annual Budget and Plan of Municipal Services for FY 2015-16.
- C. Set the date of August 11, 2015, to hold a public hearing on the fiscal year 2015-16 Annual Budget and Plan of Municipal Services.

**Staff comments:** City Manager Glenn Morrison officially filed the proposed FY 2015-2016 annual budget with the city secretary. Mr. Morrison briefly went over the development of the proposed budget and the operating budget highlights. Budget is scheduled to be adopted September 8, 2015.

*Motion was made by Councilmember Kilpatrick to approve RS-15-038, setting a public hearing date of August 11, 2015. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Councilmember Segarra, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 5:13 p.m.



# City of Killeen

## Legislation Details

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**File #:** RS-15-039    **Version:** 1    **Name:** 42 Handheld Radios for the Police Department  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/26/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the procurement of forty-two (42) encrypted digital handheld radios for the Police Department.  
**Sponsors:** Police Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Harris Sole Source Letter](#)  
[Dailey-Wells Communications Quote](#)  
[TAC 1 Systems Quote](#)  
[Battery Universe Quote](#)  
[First Response Quote](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**PROCUREMENT OF FORTY-TWO (42)  
ENCRYPTED DIGITAL HANDHELD RADIOS**

**ORIGINATING DEPARTMENT**

**POLICE DEPARTMENT**

### **BACKGROUND INFORMATION**

The Killeen Police Department is in need of acquiring forty-two (42) additional encrypted digital handheld radios to replace radios that are currently being phased out of inventories due to lack of spare parts and support. Effective and secure communications are essential for continued service to the community, and this acquisition will assist the Police Department in replacing many of its aging radios with new P25-compliant encrypted digital handheld radios in the furtherance of that goal.

### **DISCUSSION/CONCLUSION**

The XG-75 P25 Pro Voice Trunking 800 Mhz. handheld digital radio will comply with the Police Department's list of specifications and will operate in conjunction with Bell County Communications Center. The purchase of these radios with specified accessories will be from Dailey Wells Communications, as the sole source provider of these radios. As a sole source provider, this acquisition is exempted from the competitive bid/proposal process as required by Texas Local Government Code section 252.021. The acquisition through Dailey Wells Communications will meet the requirements for a sole source procurement as Dailey Wells is the only authorized sales outlet for Harris Corporation, which holds intellectual and proprietary rights to the equipment being purchased. Spare batteries, battery chargers and shoulder mics will be purchased through Tac 1 Systems, a third-party vendor, at cost savings to the City. Tac 1 Systems provided the lowest quoted pricing for these accessories.

<b>Type</b>	<b>Vendor</b>	<b>Make/Model</b>	<b>Price ea.</b>	<b>Qty.</b>	<b>Total</b>
Sole Source	Dailey Wells	XG-75(Encrypted)	\$3,333.75	42	\$140,018
Lowest Quote	Tac 1 Systems	Battery, Charger and Mic	\$214.88	42	\$9,025

### **FISCAL IMPACT**

The total acquisition cost of this purchase is \$149,043 and will not exceed allocated funding. Funding is available in the 010-6000-441.46-30 account.

### **RECOMMENDATION**

The Staff recommends the acquisition of forty-two (42) digital radios from Dailey Wells Communications as a sole source procurement for \$140,018, and forty-two (42) accessory sets

(spare batteries, battery chargers & shoulder mics) from Tac 1 Systems for \$9,025 based on lowest quoted price, and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by State and local law.



8105 North Beltline Road  
Suite 170  
Irving, Texas 75063  
Tele. 972.550.2302  
Fax. 972.550.2364

May 26, 2015

Killeen Police Department  
City of Killeen  
3304 Community Blvd.  
Killeen, Texas 76542

To whom it may concern:

Bell County has purchased and installed an Enhanced Digital Access Communications Systems (EDACS) manufactured by M/A-COM, Inc., now known as Harris Corporation. This system provides the critical Public Safety and Public Service communications for Bell County as well as the cities of Belton, Temple, Killeen, Harker Heights and many other agencies throughout the surrounding area.

At this time, EDACS/P25 equipment for this system falls under Harris Corporation intellectual property rights and the proprietary protocols represent a patent, copyright or secret process and are, therefore, currently only available from the manufacturer, Harris Corporation.

Dailey-Wells Communications is the only authorized Harris Corporation Network Solutions Provider to provide system sales, service and repairs to include mobiles, portables, control stations and other EDACS/P25 equipment for agencies operating on this communications system including the City of Killeen. This assignment was made effective September 2004 and does not have an end date. If this status should change at some point in the future you will be notified by Harris Corporation in writing. Orders for Harris Corporation equipment, service and associated accessories should be placed through Dailey-Wells Communications.

Thank you for your attention in this matter. Harris Corporation and Dailey-Wells Communications look forward to the opportunity to continue the service and sales support of EDACS Systems throughout your area.

Sincerely,

A handwritten signature in black ink that reads "Brian E. Beatty". The signature is written in a cursive style.

Brian Beatty  
Manager Indirect Sales, Harris Corporation

Cc: Jim Sawyer, Director of Sales, Dailey-Wells Communications

# DAILEY-WELLS COMMUNICATIONS

HARRIS Inc., 3440 E. Houston St., San Antonio, TX 78219



To: Killeen Police Dept.- Erich Morsbach  
 From: Larry Sayles, 405-204-0347  
 Date: 14-May-15

## XG-75 Portable 700/800 Mhz. P25 & Pro Voice Trunking

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	EVXG-PB78M	PORTABLE, XG-75, 764-870 MHZ, SCAN, MIDNIG	42	\$ 1,995.00	25%	\$ 1,496.25	\$ 62,842.50
2	MAEV-NNC5X	ANTENNA, 764-870 MHZ, 1/4 WAVE WHIP	42	\$ 40.00	25%	\$ 30.00	\$ 1,260.00
3	MAEV-PKGED	Feature Package,EDACS Trunking	42	\$ 1,100.00	25%	\$ 825.00	\$ 34,650.00
4	MAEV-PKGPT	Feature Package, P25 Trunking	42	\$ 1,100.00	100%	\$ -	\$ -
5	EV-PRO	FEATURE, PROVOICE	42	\$ 250.00	25%	\$ 187.50	\$ 7,875.00
6	MAEV-PKG8F	FEATURE, 256-AES, 64-DES ECP	42	\$ 595.00	25%	\$ 446.25	\$ 18,742.50
7	MAEV-NPL5K	Feature,ProFile OTAP Over-the-Air Prgm	42	\$ 265.00	25%	\$ 198.75	\$ 8,347.50
8	MAEV-PA2U	BATTERY, LI-POLYMER, 3600 MAH	42	\$ 140.00	25%	\$ 105.00	\$ 4,410.00
9	MAEV-NHC2C	CASE, LEATHER WITH BELT LOOP	42	\$ 60.00	25%	\$ 45.00	\$ 1,890.00

Shipping and Handling

Pre-pay and add

**EXTENDED TOTAL \$ 140,017.50**

Price Valid for 60 days

Terms: Net 30 Days, FOB Source Pre-pay and add

MBP15927

Customer will provide aftermarket antennas, chargers and speaker mics.





PO Box 819  
New Meadows, ID 83654  
(800) 995-9750 Ph.  
(916) 374-9745 Fax.

Killeen Police Dep.  
[mgetz@killeentexas.gov](mailto:mgetz@killeentexas.gov)

## Price Quote # 2015-5-12-2

5/12/2015

QTY:	PN:	PRODUCT:	PRICE:	TOTAL:	DELIVERY:
42	BU023406/006	Battery Universe's Replacement for the Harris P5300 7.4 Volt 3600 mAh Lithium Polymer Radio Battery	\$75.25	\$3160.50	3-5 Business Days
42	ACDSK-2205-1	Battery Universe's Replacement for the Harris P5300 Single Station Charger	\$49.50	\$2079.00	
42	PJRN2LXX-VE	Battery Universe's Replacement for the Harris P5300 Speaker Mic	\$109.25	\$4588.50	
		Shipping	\$72.95		
			<b>Total →</b>	<b>\$9828.00</b>	

Price guaranteed for 30 days from today.

Contact info:

Jeffrey Roff  
Battery Universe  
PO Box 819  
New Meadows, ID 83654  
800-995-9750  
208-347-3898 fax





# City of Killeen

## Legislation Details

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**File #:** RS-15-040    **Version:** 1    **Name:** SunGard Public Sector Annual Maintenance  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 6/9/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** Consider a memorandum/resolution to renew the annual maintenance agreement with SunGard Public Sector.  
**Sponsors:** Information Technology Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**SunGard Public Sector Annual Maintenance  
Renewal**

**ORIGINATING DEPARTMENT**

**Information Technology Services**

**BACKGROUND INFORMATION**

Since 2004, the City of Killeen has invested \$1.53 million in enterprise software provided by SunGard Public Sector (formerly SunGard HTE). This integrated suite of software products supports multiple staff processes including finance, human resources, facility management, municipal court, building permits, utility billing, and code enforcement.

**DISCUSSION/CONCLUSION**

SunGard Public Sector is the single source for an annual maintenance agreement that facilitates technical support, training and education, process and infrastructure improvements, and product enhancements for the City of Killeen staff. The purchase of items available from only one source are exempt from bidding requirements pursuant to Texas Local Government Code section 252.022.

**FISCAL IMPACT**

The Information Technology Services Department has budgeted FY 15 funds as follows. The cost share is based on historical non-departmental percentages.

Fund	Account	Cost Share
General Fund	010-9508-491.42-43	\$57,360.85
Hotel & Motel Fund	214-9508-457.42-43	\$7,859.61
Aviation Fund	525-9508-521.42-43	\$7,916.77
Solid Waste Fund	540-9508-439.42-43	\$7,616.68
Water and Sewer Fund	550-9508-492.42-43	\$55,260.20
Drainage Utility Fund	575-9508-492.42-43	\$6,887.87
	Total	\$142,901.98

**RECOMMENDATION**

The City Manager be authorized to execute the renewal of the annual maintenance agreement with SunGard Public Sector in the amount of \$142,901.98.



# City of Killeen

## Legislation Details

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**File #:** RS-15-041    **Version:** 1    **Name:** Subway Lease Extension  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 6/17/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** Consider a memorandum/resolution approving Addendum No. 3 to the Killeen Fort Hood Regional Airport Subway Real Estate LLC lease agreement.  
**Sponsors:** Aviation Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Addendum No. 3](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Killeen Fort Hood Regional Airport Subway  
Real Estate LLC Lease Agreement Renewal**

### ORIGINATING DEPARTMENT

**Aviation**

### BACKGROUND INFORMATION

The airport's lease agreement with Subway Real Estate, LLC expires on September 30, 2015. Terms of the current lease agreement provide the tenant with an option to extend the agreement for an additional five-year term under terms and fees as set by the City Council.

### DISCUSSION/CONCLUSION

Staff has negotiated an addendum with Subway Real Estate, LLC to extend the current lease agreement by five years. Basic rental and concession fees will remain at the current rate of 6% of the first \$20,000 of monthly gross revenue and 7% of monthly gross revenues exceeding \$20,000. The minimum monthly rent is \$1,100 per month. The addendum also provides an option for one additional five-year extension at terms and fees as would be set by Council at that time.

### FISCAL IMPACT

Total annual revenue to the Killeen-Fort Hood Regional Airport Enterprise Fund represented by this lease agreement is approximately \$14,500 in account number 525-0000-324.05-00 AIRPORT RENT & CONCESSION.

### RECOMMENDATION

That the City Council approve Addendum No. 3 to the Subway Real Estate, LLC lease agreement extending the term for a period of five years beginning October 1, 2015 and ending September 30, 2020 and authorizing the City Manager to execute same.

**STATE OF TEXAS**

**COUNTY OF BELL**

**ADDENDUM NO. 3**

The City of Killeen, a municipal corporation of Bell County, Texas, hereinafter referred to as "Airport"; and Subway Real Estate, LLC, hereinafter referred to as "Tenant", hereby agree that the terms and conditions of the Lease Agreement dated May 7, 2004 first executed between the City of Killeen and Subway Real Estate Corp., amended with Addendum No. 1 dated August 30, 2007, Addendum No. 2 dated September 17, 2010, and assigned to Subway Real Estate LLC effective September 12, 2011, will remain in full force and effect, with the exception of the changes made and incorporated in Addendum No. 3 herein.

**ARTICLE V**

**Terms of Agreement**

1. The Airport hereby grants unto the said Tenant, for a period of five years, beginning October 1, 2015 and ending September 30, 2020 the right to operate a food service concession, as previously described, at the Killeen-Ft Hood Regional Airport, Robert Gray Army Airfield.
2. If Tenant is not in default of the terms hereunder, Tenant will have the option to enter into an additional five (5) year lease agreement under the terms and fees as set by the City Council of the City of Killeen, providing it gives notice of its option in writing at least one hundred and eighty (180) days prior to the termination date hereof.
3. No change.
4. No change.

**EXHIBIT "B"**

**Rents and Fees Schedule**

Replace Exhibit "B" (Addendum No. 2) with new Exhibit "B" (Addendum No. 3)

IN WITNESS WHEREOF, the parties have executed this lease in duplicate on this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

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Dianna Barker  
City Secretary

ATTEST:

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Matthew Whelan

CITY OF KILLEEN:

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Glenn Morrison  
City Manager

TENANT  
Subway Real Estate, LLC  
d/b/a, Subway

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Ernest A. Oliver, Jr., Manager

SubwayAd3GRK





# City of Killeen

## Legislation Details

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**File #:** OR-15-012    **Version:** 1    **Name:** FY16 Arts Commission Grant Recommendations  
**Type:** Ordinance    **Status:** Ordinances  
**File created:** 6/18/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** Consider an ordinance approving Killeen Arts Commission recommendations for grant allocations of FY16 Hotel Occupancy Tax funds.  
**Sponsors:** Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[FY16 Grant Recommendations](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Killeen Arts Commission recommendations  
for grant allocations of FY16 Hotel  
Occupancy Tax funds**

### ORIGINATING DEPARTMENT

**Finance**

### BACKGROUND INFORMATION

The City Council may allocate up to one-seventh of the Hotel Occupancy Tax collections for grants to the arts under section 351.101 of the Texas Tax Code for Municipal Hotel Occupancy Tax. The primary responsibility of the Arts Commission is to make recommendations to the City Council regarding the allocation of Hotel Occupancy Tax funds that are designated for grants to the arts. The FY16 proposed maximum funding for the arts is \$207,750.

### DISCUSSION/CONCLUSION

The Killeen Arts Commission held a meeting on May 15, 2015. During this meeting, eight (8) applicants presented their grant applications to the Arts Commission regarding funding requests. At the June 12, 2015 meeting of the Arts Commission, the Commission recommended allocation of funding for all eight (8) applicants as described in the attached worksheet, totaling \$166,000.

Upon Council's approval of the recommended grant allocations, contracts will be prepared by the Finance Department and reviewed by the City Attorney's Office for the City Manager's signature to be executed October 1, 2015.

### FISCAL IMPACT

Adequate funding is available for FY16 and will be budgeted in account 214-0000-531.55-43.

### RECOMMENDATION

City staff recommends that City Council review, discuss and vote on the Killeen Arts Commission's proposed recommendations.



## FY16 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY15 Requested	FY15 Awarded	FY16 Requested	FY16 Recommendation
<b>Artesania y Cultura Hispana</b>	<u>Event:</u> Fiesta of Art & Culture <u>Date:</u> September 25, 2016 <u>Description:</u> This event will include musicians and dancers from Latin America living in Texas. It will begin with a parade of flags from countries where we have members, and members will wear traditional attire from their respective countries. There will be live, traditional music from Puerto Rico, a performance by the Puerto Rican Kids, and a choreographed performance combining traditional and modern dances illustrating the history of the Puerto Rican Culture.	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
<b>Central Texas College Foundation</b>	<u>Event:</u> CTC Geekfest <u>Date:</u> August 19-21, 2016 <u>Description:</u> This event is a fundraising event for student scholarships modeled after the hugely successful "comic con" concept. This event will feature activities targeting adults and youth interested in science fiction, fantasy, super heroes, video games, and technology-related fields. Pop art elements will include anime, graphic novels, literature (including book to film adaptations), makeup artistry, films, costume design, and costume theater.	-	-	3,000	3,000
<b>Cultura Filipiniana Arts Inc.</b>	<u>Event:</u> 13th Annual Barrio Fiesta in Killeen "Kundiman" Serenade <u>Date:</u> February 27, 2016 <u>Description:</u> This event is a lavish preparation of music, songs, dances, foods, and parades. The Cultura Filipiniana Dance Troupe will feature Philippines with its diversified ethnic groups.	8,000	8,000	8,000	8,000



## FY16 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY15 Requested	FY15 Awarded	FY16 Requested	FY16 Recommendation
<b>Killeen Sister Cities, Osan Korea</b>	<u>Event:</u> International Festival <u>Date:</u> October 3, 2015 <u>Description:</u> This event will recognize and showcase diverse cultural groups, emphasize song, dance, and food from various ethnic groups, and provide vendors the opportunity to offer food and merchandise that represents their cultures. <u>Event:</u> Spring Cultural Event <u>Date:</u> April 9, 2016 <u>Description:</u> This event will offer a showcase of talent by a Korean contemporary dance troupe.	25,000	15,750	30,000	30,000
<b>Killeen Volunteers, Inc. (Celebrate Killeen Committee)</b>	<u>Event:</u> Celebrate Killeen Festival <u>Date:</u> April 28-30, 2016 <u>Description:</u> This is an annual event that features cultural entertainment and arts and crafts for children, youth, and adults. This event will feature a performing artist, a variety of multi-cultural performances, children's arts and crafts, a STEP performance, and a movie in the park.	12,000	12,000	15,000	15,000
<b>Songhai Bamboo Roots Cultural Assoc.</b>	<u>Event:</u> 7th Annual Caribbean Afr'am Festival <u>Date:</u> August 5-6, 2016 <u>Description:</u> This event will showcase different aspects of the African Caribbean, Central American African, Afro Americans and Africans as a whole. The festival will feature a live concert, including local and international artists, as well as activities such as dance, music, drumming, arts and crafts, and a marketplace.	25,000	22,000	15,000	15,000
<b>Vive Les Arts Children's Theatre</b>	<u>Event:</u> <i>How to Eat Like a Child</i> <u>Date:</u> November 20-22, 2015 & December 4-6, 2015 <u>Event:</u> <i>Disney's Camp Rock</i> <u>Date:</u> May 13-15, 2016 & May 20-22, 2016 <u>Event:</u> <i>Mary Poppins</i> <u>Date:</u> July 22-24, 2016 & July 29-31, 2016 <u>Event:</u> <i>Magic Tree House</i> <u>Date:</u> August 12-14, 2016	25,000	23,000	30,000	30,000



## FY16 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY15 Requested	FY15 Awarded	FY16 Requested	FY16 Recommendation
Vive Les Arts Societe	<u>Event:</u> <i>Young Frankenstein</i> <u>Date:</u> October 16-18, 2015 & October 23-25, 2015 <u>Event:</u> <i>Boeing Boeing</i> <u>Date:</u> January 22-24, 2016 & January 29-31, 2016 <u>Event:</u> <i>Smokey Joe's Cafe</i> <u>Date:</u> February 19-21, 2016 & February 26-28, 2016 <u>Event:</u> <i>The Nerd</i> <u>Date:</u> April 8-10, 2016 & April 15-17, 2016	70,000	70,000	60,000	60,000
<b>Total Grant Recommendations</b>					<b>166,000</b>
<b>Unallocated Funding</b>					<b>41,750</b>
<b>Total Funding Designated for the Arts</b>					<b>\$ 207,750</b>

**AN ORDINANCE PROVIDING FOR THE SPECIFIC DISBURSEMENT OF THE PROCEEDS OF THE MUNICIPAL HOTEL OCCUPANCY TAX REVENUES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the following sum be disbursed in support of arts activities in the City of Killeen during Fiscal Year 2015-2016:

The sum of \$166,000 being part of the proceeds of the Municipal Hotel Occupancy Tax revenues collected by the City of Killeen and allocated for the following purpose:

In accordance with Section 351.101 (a)(4), Tax Code, to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution and exhibitions of these major arts forms, a sum in the amount of One Hundred Sixty-Six Thousand Dollars (\$166,000), which amount is not greater than 1/7 of the total hotel occupancy tax revenues collected, as required by law. In addition, grants awarded will reflect the diverse multi-cultural community of Killeen.

**SECTION II.** That said sums, totaling \$166,000, be specifically disbursed in the following manner:

<b>Artesania y Cultura Hispana</b>	<b>\$5,000.00</b>
<b>Central Texas College Foundation</b>	<b>\$3,000.00</b>
<b>Cultura Filipiniana Arts Inc.</b>	<b>\$8,000.00</b>
<b>Killeen Sister Cities, Osan, Korea</b>	<b>\$30,000.00</b>
• <i>International Festival (\$7,000.00)</i>	
• <i>Spring Cultural Event (\$23,000.00)</i>	
<b>Killeen Volunteers, Inc. (Celebrate Killeen Committee)</b>	<b>\$15,000.00</b>
<b>Songhai Bamboo Roots Cultural Assoc.</b>	<b>\$15,000.00</b>
<b>Vive Les Arts Children's Theatre Societe</b>	<b>\$30,000.00</b>
<b>Vive Les Arts Societe</b>	<b>\$60,000.00</b>

**SECTION III.** That disbursement of funds authorized in Section II is contingent upon the recipient's initial and continued eligibility and compliance under the provision of Section 351.101 (a) (4), Tax Code. In addition, grants awarded under Section II will reflect the diverse multi-cultural community of Killeen.

**SECTION IV.** That such disbursements authorized under Section II shall lapse at the end of the fiscal year (September 30, 2016) to the extent that they shall not have been expended or lawfully encumbered. Any organization that shall receive funds provided for herein shall from time to time, as requested by the City Council of the City of Killeen, report on its activities and the use of the funds herein designated, reporting as specifically stated in the individual contracts executed by each recipient.

**SECTION V.** That if any Section or part of any Section or paragraph of this ordinance is 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 VI.** That this ordinance shall be effective immediately upon its passage according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 14<sup>th</sup> day of July, 2015, at which meeting a quorum was present, held in accordance with provisions of V.T.C.A., Government Code, § 551.001 *et. seq.*

**APPROVED:**

\_\_\_\_\_  
\_Scott Cospers, 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-15-022    **Version:** 1    **Name:** FY2015-16 CDBG and HOME Program Annual Funding

**Type:** Ordinance/Public Hearing    **Status:** Public Hearings

**File created:** 5/18/2015    **In control:** City Council

**On agenda:** 7/14/2015    **Final action:**

**Title:** HOLD a public hearing and consider an ordinance authorizing the 2015-2019 Consolidated Strategic Plan submission and the 2015-2016 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (Second of Two Public Hearings)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** [Council Memorandum](#)  
[CDAC Minutes](#)  
[CDAC Funding Allocations](#)  
[Ordinance](#)  
[2015-2019 Consolidated Strategic Plan Summary](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		
6/9/2015	1	City Council		
6/2/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**2015-2019 Consolidated Strategic Plan and  
FY 2015-2016 Community Development  
Block Grant (CDBG) and Home Investments  
Partnerships (HOME) Program Annual Action  
Plan**

### ORIGINATING DEPARTMENT

**Community Development**

### BACKGROUND INFORMATION

The Consolidated Strategic Plan is a multi-year document required from jurisdictions participating in U.S. Department of Housing and Urban Development (HUD) grant programs, stating the City's plan to develop successful urban communities through goals established to expand access to affordable housing, foster suitable living environments, and expand economic opportunities, principally for low-and moderate-income residents. The annual action plan describes how funding will be utilized during that program year to address priorities established in the Consolidated Strategic Plan.

The City of Killeen will receive \$932,745 from the U.S. Department of Housing and Urban Development (HUD) for FY 2015-2016 CDBG program activities. Also available for use is \$49,023.05 in funds from canceled or completed CDBG projects and prior year program income, providing a total of \$981,768.05 for FY 2015-16 CDBG activities. The City will also receive \$301,726 from HUD for FY 2015-2016 Home Investment Partnerships (HOME) Program activities. Also available for use is \$156,816.19 in reprogrammable funds and prior year program income to the HOME program, providing a total of \$458,542.19 for FY 2015-16 HOME activities.

Applications for funding for both the CDBG and HOME programs were submitted by the deadline date of April 2, 2015, and are detailed in the attached Community Development Advisory Committee (CDAC) meeting minutes.

### DISCUSSION/CONCLUSION

The CDAC met on May 6 and May 7, 2015, to review and make recommendations for proposed use of 2015-2016 CDBG and HOME Program funds on the basis of eligibility, need, and priority. Projects undertaken with CDBG and HOME Program funds address goals and objectives established in the Consolidated Strategic Plan and Annual Action Plan to meet affordable housing and community development needs.

### FISCAL IMPACT

HUD regulations allow for 20% of CDBG and 10% of HOME funds to be expended on administration/planning of CDBG and HOME activities. All project costs under the CDBG and

HOME Program will be reimbursed to the City by the U.S. Department of Housing and Urban Development.

### **RECOMMENDATION**

Following the first public hearing on June 9, 2015, recommend approval of the 2015-2019 Consolidated Strategic Plan summary, allocation of funds under the proposed 2015-2016 Annual Action Plan, and the publishing of the proposed plans to solicit citizen comments and participation. Recommend approval of the final plans with revisions, as appropriate, based on citizen comments to be reviewed during the second public hearing on July 14, 2015.

**MINUTES**  
**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**  
**MAY 6-7, 2015, 12:30 P.M. \***  
**COMMUNITY DEVELOPMENT TRAINING ROOM #E105**  
**KILLEEN ARTS AND ACTIVITIES CENTER**  
**802 N. 2<sup>ND</sup> ST., BUILDING E, KILLEEN, TX 76541**

1. **CALL TO ORDER:** Mr. Cossey called the meeting to order at 12:39 PM.
2. **ROLL CALL:** Committee members were present: Mr. Banta, Ms. Batie, Mr. Alvarez, Mr. McConaughy, Dr. Dillard, Ms. Whitworth, and Mr. Barr. Mr. Guidry was absent and Ms. Driver-Moultrie arrived at 12:49PM. City Staff present: Leslie Hinkle, Traci Briggs, Cinda Hayward and Celeste Sierra.
3. **APPROVAL OF AGENDA:** Dr. Dillard moved, seconded by Mr. Barr to approve the meeting's agenda. Motion carried.
4. **APPROVAL OF MINUTES:** Mr. Alvarez moved, seconded by Mr. Banta to approve the minutes of the February 11, 2015 CDAC meeting. Motion carried.
5. **COMMITTEE & STAFF ITEMS**
  - A. **RECEIVE BRIEFING ON STATUS OF CDBG AND HOME PROJECTS FOR PERIOD ENDING APRIL, 20, 2015:** Leslie Hinkle briefed Committee on the status of current CDBG and HOME projects advising that Central TX 4C had decided to return the funds allocated during FY 14-15 and would discuss further during the next item.
  - B. **DISCUSS AND CONSIDER REPROGRAMMING OF CDBG AND HOME FUNDS TO ELIGIBLE FY 2015-16 ACTIVITIES:** Leslie Hinkle briefed Committee on the funding available to be reprogrammed during this funding process. She advised that Central TX 4C, Inc. had decided to not use the funding allocated and return to the City and due to there not being any eligible CHDOs, the funding set aside for FY 13-14 and 14-15 had been returned to the Entitlement to be used on other eligible activities. After a brief discussion on CHDO requirements Dr. Dillard moved, seconded by Mr. Banta to approve the reprogramming of funds as listed. Motion carried.
  - C. **DISCUSS AND CONSIDER APPROVAL OF APPLICATIONS SUBMITTED FOR FY 2015-16 PROPOSED PROGRAM OF ACTIVITIES FOR RECOMMENDATION TO CITY COUNCIL:** The Committee heard from the following entities applying for Community Development Block Grant funding: Frances Little, Ronda Montgomery, Tania Elliot and Cynthia from Bell County Human Services; Maureen Jouett from Bring Everyone in the Zone, Michael DeWees and Cinnamon Clay from Communities in Schools of Central Texas; Suzanne Armour from Families in Crisis, Inc.; Michael Christ from Heritage House of Central Texas; Lewann Turner from Hill Country Community Action Association; and Celeste Sierra from City of Killeen Community Development. This ended the presentations for Public Service requests. Mr. Cossey advised Committee on the use of the evaluation and assessment review forms provided for each applicant. Ms. Hinkle addressed questions on the total funds available for allocation and what can be used towards the public services proposals, for public facilities and for HOME program proposals. Ms. Hayward addressed question in reference to projects being consistent with the Consolidated Plan priorities and goals. Mr. Cossey asked Committee to consider the applicants and funding overnight and discussion would continue tomorrow.
6. **RECESS:** Mr. Cossey entertained a motion to recess. Mr. Barr moved, seconded by Ms. Driver-Moultrie to recess until May 7, 2015 to continue discussion of agenda items. Motion passed and Committee recessed at 2:55 PM.

**MAY 7, 2015, 12:30 PM.**

Mr. Cossey called the meeting to order after recess. All committee members were present for the exception of Mr. Guidry. City Staff was also present.

- C. **DISCUSS AND CONSIDER APPROVAL OF APPLICATIONS SUBMITTED FOR FY 2015-16 PROPOSED PROGRAM OF ACTIVITIES FOR RECOMMENDATION TO CITY COUNCIL:** Committee discussed observations on how the presentations were going. Mr. Cossey advised the Committee didn't have too much time to ask questions. Ms. Briggs advised that the Council provides additional time if there is anything they still require further discussion on. The Committee then heard from the following entities applying for CDBG funds under

Minutes  
 May 6, 2015

Public Facilities and Improvements: Janell Sherwood from Central TX 4C; Brett Williams, Pete Vento, and Luke Beherns from City of Killeen Parks and Recreation Department; John Koester, Jason McBride and James Mundy from City of Killeen, Street Services, Ed Radeke and Jennifer Guzman, City of Killeen, Community Development. The Committee then continued hearing presentation from entities applying for funding under the HOME Program: Maria Barraza, City of Killeen, Community Development Division and William Hall from Families in Crisis, Inc.

After all presentations were made, Mr. Cossey asked Committee for discussions on any of the applications. After discussing some of the applications, Dr. Dillard moved, seconded by Mr. Banta to recommend the following entities with Community Development Block Grant amounts. Motion passed 8 to 1 with Mr. McConaughy opposing.

<b>CDBG PUBLIC FACILITIES AND IMPROVEMENTS</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>FUNDING</b>
Central TX 4C, Inc.	Improvements and Modifications to bathrooms, classrooms, entry and playground per Head Start Center requirements at old Fowler Elementary School location on Trimmier Ave.	\$21,912.30
City of Killeen Parks and Recreation	Stewart Neighborhood Project – Phase II replacement of playground equipment and fall surface, expansion of play area, resurface of Sport court, installation of pavilion, landscaping and irrigation.	\$322,000.00
City of Killeen Street Services	Stewart Neighborhood Sidewalk Reconstruction for replacement of approximately 1800 LF of existing deteriorated sidewalks in areas adjacent to the 2014 Stewart Neighborhood Project.	\$140,700.00
City of Killeen Community Development	Housing Rehabilitation of Owner Occupied Housing to address urgent and minor repairs, and accessibility modifications/accommodations.	\$170,695.00
<b>TOTAL PUBLIC FACILITIES AND IMPROVEMENTS RECOMMENDATIONS FOR FUNDING</b>		<b>\$655,307.30</b>

After Committee discussed the HOME funding recommendations, Mr. Barr moved, seconded by Mr. McConaughy to fund the following entities with HOME Program funds. Motion passed unanimously.

<b>HOME PROGRAM</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>FUNDING</b>
Community Housing Development Organizations	Required Set Aside	\$45,258.90
HOME Administration	Administration and Planning of HOME Program activities	\$30,1752.60
Families in Crisis, Inc.	Tenant Based Rental Assistance Program for documented domestic violence survivor households, victims of assault, or veterans and their families.	\$216,364.48
First Time Homebuyer Program	Down payment and closing cost assistance and repairs to qualified buyers	\$166,746.21
<b>TOTAL HOME PROGRAM RECOMMENDATIONS FOR FUNDING</b>		<b>\$458,542.19</b>

After Committee discussed the funding available for CDBG Public Services, Mr. Barr moved, seconded by Dr. Dillard to fund the following entities with CDBG funds. Motion passed unanimously.

<b>CDBG PUBLIC SERVICES</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>FUNDING</b>
Bell County Human Services	Affordable child care costs to eligible workers or in job training	\$5,000.00
Bring Everyone in the Zone	Military Support Program resource manager salary assistance	\$8,000.00
Communities in Schools	Connections Program case worker salary assistance	\$22,000.00

Minutes  
May 6, 2015

Families in Crisis, Inc.	Client Transportation Services	\$6,000.00
Greater Killeen Free Clinic	Nursing Supervisor/Educator salary assistance	\$23,911.75
Heritage House of Central TX	Empowerment Program client advisor salary assistance	\$5,000.00
Hill Country Community Action	Elderly Meals Program center aide/driver salary assistance	\$10,000.00
COK Community Development	Elderly Transportation Program	\$60,000.00
<b>TOTAL CDBG PUBLIC SERVICES RECOMMENDATIONS FOR FUNDING</b>		<b>\$139,911.75</b>
<b>ADMINISTRATION/PLANNING OF CDBG PROGRAMS AND ACTIVITIES</b>		<b>\$186,549.00</b>

Dr. Dillard pointed out there should be a limit as to how many times an agency could apply for funding because the same agencies apply and get funded year after year and don't give an opportunity for other agencies to apply. Ms. Driver-Moultrie advised there were agencies that had attended the public hearings and had not even applied, knowing that staff is available to assist with the application process. Ms. Hayward advised that many agencies have commented that the same agencies get funded every year, so they don't bother to apply and she advised them that if they don't apply they don't get a chance to get funded. Mr. Barr advised that a lot of these agencies that had been funded year after year were making a difference in the community by providing needed services. Mr. Cossey advised that this was a good subject they could maybe discuss with staff and maybe place on the agenda for future meetings.

Mr. Cossey invited all Committee members to attend the public hearings so they could be recognized for the hard work they have during this funding process. Mr. Cossey then asked for a motion to adjourn. Mr. McConaughy moved, seconded by Dr. Dillard to adjourn. Meeting adjourned at 3:27 PM.

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Celeste Sierra, CD Specialist  
Community Development

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
 FY 2015-2016/B-15-MC-48-0020  
 PUBLIC SERVICE REQUESTS and CDBG ADMINISTRATION**

<b>PUBLIC SERVICES</b>				
	<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>
<b>1</b>	<b>BELL COUNTY HUMAN SERVICES</b> Attn: Tonya Elliot 718 N. 2nd Street, Suite B Killeen, Texas 76541 254.770.6841 tonya.elliott@co.bell.tx.us	<b>Child Care Services 2015 – 91</b> - the Child Care Services program will provide direct assistance, in conjunction with Texas Work Force matching funds, for affordable childcare costs to eligible low-income applicants of Killeen who are employed., or in training programs	\$ 12,000.00	\$ 5,000.00
<b>2</b>	Maureen Jouett, Executive Director <b>BRING EVERYONE IN THE ZONE, INC.</b> 718 N. 2nd Street, Suite B Killeen, Texas 76541 254.681.9112 mojo53@hotmail.com	<b>Military Support Program - 600</b> - partial payment of salary for a full-time Resource Manager to work with low-income Veterans and their families to access community resources, VA and Social Security claims moving them from dependence to self-sufficiency and independence.	\$ 15,600.00	\$ 8,000.00
<b>3</b>	Michael Dewees, Executive Director <b>COMMUNITIES IN SCHOOLS OF GREATER CENTRAL TEXAS, INC.</b> 4520 E. Central Texas Expressway, Suite 106 Killeen, Texas 76543 254.554.2132 mdewees@hotmail.com	<b>Connections Program-Eastward Elementary – 180</b> - partial payment of salary and fringe for the CIS Connections Program case worker who will serve economically disadvantaged families from pre-K to 5th grade students with educational enhancement, tutoring, parent involvement activities, career awareness and food pantry	\$ 23,373.00	\$ 22,000.00
<b>4</b>	William K. Hall, Operations Director <b>FAMILIES IN CRISIS, INC.</b> P.O. Box 25 Killeen, Texas 76540-0025 254.634.1184 ficinc@earthlink.net	<b>2014 Client Transportation Project - 500</b> - the project will provide clients with transportation to safe shelter from designated locations and to necessary medical, legal, law enforcement, and social service appointments by taxi or bus when other means of transportation are unavailable.	\$ 10,000.00	\$ 6,000.00

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
 FY 2015-2016/B-15-MC-48-0020  
 PUBLIC SERVICE REQUESTS and CDBG ADMINISTRATION**

<b>PUBLIC SERVICES</b>				
AGENCY	PROJECT DESCRIPTION & PROPOSED UNITS	REQUESTED AMOUNT	CDAC RECOMMENDATION	
<b>5</b>	Marlene DiLillo, Executive Director <b>GREATER KILLEEN FREE CLINIC</b> 718 N. 2ND Street, Suite A Killeen, Texas 76541 254. 618.4211 mdilillo@gkfclinic.org	<b>2015 Salary Assistance Nursing - 1900</b> - the program will provide funds for payment of salary and fringe for the Nursing Supervisor/Educator in the treatment of low income Killeen patients with chronic diseases, disease management and health promotion.	\$ 25,000.00	\$ <b>23,911.75</b>
<b>6</b>	Michael Christ, Executive Director <b>HERITAGE HOUSE OF CENTRAL TEXAS</b> 802 N. 2nd Street, Building E Killeen, Texas 76541 254. 681.1759 mikchrist@yahoo.com	<b>Empowerment Program - 150</b> - partial payment of salary for the client adviser who is responsible for developing and managing the homeless client's action plan for becoming and remaining self-reliant.	\$ 10,722.75	\$ <b>5,000.00</b>
<b>7</b>	Tama Shaw, Executive Director <b>HILL COUNTRY COMMUNITY ACTION ASSOCIATION, INC.</b> P.O. Box 846 San Saba, Texas 76877 325.372.5167 tshaw@hccaa.com	<b>2015 Killeen Elderly Meals Program – 133-</b> will provide for salary and fringe benefits for one part time center aide/meal delivery driver to assist in meal preparation and delivery of meals to low-income elderly Killeen residents.	\$ 12,505.00	\$ <b>10,000.00</b>

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
 FY 2015-2016/B-15-MC-48-0020  
 PUBLIC SERVICE REQUESTS and CDBG ADMINISTRATION**

<b>PUBLIC SERVICES</b>				
	<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>
<b>8</b>	Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN</b> ATTN: Celeste Sierra 802 N. 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7843 lhinkle@killeentexas.gov csierra@killeentexas.gov	<b>Elderly Transportation Program – 120</b> -costs associated with transportation services for low income Killeen elderly, age 62 and older, with free or discounted transportation via taxi rides, private shuttle rides, public transit fixed route rides, public transit special service rides or other approved mode of transportation.	\$ 70,000.00	\$ 60,000.00

**TOTAL FUNDING REQUESTS** \$ 179,200.75 \$ **139,911.75**  
**Total Available** (max 15%) \$ **139,911.75**

<b>CDBG ADMINISTRATION</b>				
	<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>
<b>9</b>	Leslie K. Hinkle, Director of Community Development Department <b>CITY OF KILLEEN</b> 802 N 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7843 lhinkle@killeentexas.gov	<b>CDBG Administration 2015-16 - maximum 20% of annual grant amount - costs for salary, administration and delivery of the CDBG program.</b>	\$ 186,549.00	\$ 186,549.00

**TOTAL CDBG ADMINISTRATION REQUEST** \$ 186,549.00 \$ **186,549.00**  
**Total Available** (max 20%) \$186,549.00

**CITY OF KILLEEN  
COMMUNITY DEVELOPMENT BLOCK GRANT  
FY2015-2016/B-15-MC-48-0020  
PUBLIC FACILITIES/IMPROVEMENTS, HOUSING REQUESTS**

<b>PUBLIC FACILITIES/IMPROVEMENTS, HISTORIC PRESERVATION, HOUSING REHABILITATION, CODE ENFORCEMENT, CLEARANCE/DEMOLITION</b>				
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>	
<b>1</b> Janell Frazier, Executive Director <b>CENTRAL TEXAS 4C, INC.</b> P.O. Box 367 Temple, Texas 76503 254. 778.0489 ext. 14 4c@vvm.com	<b>Killeen Head Start Expansion</b> - 1 unit -funds will be used for improvements and modifications to bathrooms, classrooms, entry and playground in order to meet approving requirements for Head Start centers; proposed location is old Fowler Elementary on Trimmier; exact detail is not known at this time.	\$ 40,000.00	\$ <b>21,912.30</b>	
<b>2</b> Brett Williams, Executive Director of Community Services <b>CITY OF KILLEEN PARKS &amp; RECREATION</b> Attn: Pete Vento, Parks/Grounds Superintendent 1700A E. Stan Schlueter Loop PO Box 1329 Killeen, Texas 76540 254. 501.8861 pvento@killeentexas.gov	<b>Stewart Neighborhood Project - Phase II</b> - 1 unit - funds are for the reconstruction of the existing Stewart Neighborhood park and include replacing playground equipment and expansion of the play area, "fall surface" for the playground, resurface of the existing sport court, installation of a family event pavilion, landscaping and irrigation. This is the next planned phase of the FY 2014 Stewart Neighborhood Project benefitting low-income areas of Killeen.	\$ 322,000.00	\$ <b>322,000.00</b>	
<b>3</b> George Lueck, Director of Transportation <b>CITY OF KILLEEN STREET SERVICES</b> Attn: John Koester, Director 3201a South W.S, Young Drive PO Box 1329 Killeen, Texas 76540 254. 501.7776 jkoester@killeentexas.gov	<b>Stewart Neighborhood Sidewalk Reconstruction</b> - 1 unit - approx. 1800 LF of sidewalk - funds are for costs to replace existing deteriorating sidewalks along Culp Street to 18th Street; Gray Drive to Culp Street to Stewart Street; and Alexander Street to Rancier Avenue adjacent to the 2014 Stewart Neighborhood Project serving low-income areas of Killeen.	\$ 140,700.00	\$ <b>140,700.00</b>	



**CITY OF KILLEEN  
HOME INVESTMENT PARTNERSHIPS PROGRAM  
FY2015-2016/M-15-MC-48-0228**

<b>HOME PROGRAM REQUESTS</b>				
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>	
<b>CHDO SET ASIDE</b>				
<b>1</b>	<b>NO APPLICATION REQUEST RECEIVED</b>	<p><b>2015 Minimum CHDO Set Aside Requirement-</b> 15% of annual HOME allocation for eligible Community Housing Development Organization (CHDO) activity.</p> <p>No applications were received, the City must set aside the funds as required by regulation.</p>	\$ 45,258.90	\$ <b>45,258.90</b>
<b>TOTAL MINIMUM CHDO SET ASIDE:</b>			<b>\$ 45,258.90</b>	<b>\$ 45,258.90</b>
<b>OTHER ELIGIBLE PROJECTS</b>				
<b>2</b>	<p><b>FAMILIES IN CRISIS, INC.</b> William Hall , Director of Operations P.O. Box 25 Killeen, Texas 76540 254.634.1184 ficinc@earthlink.net</p>	<p><b>FIC TBRA</b> – the program will provide Tenant Based Rental Assistance (rental subsidies) to households who are documented domestic violence survivors or are veterans and their families, and are currently on the Housing Choice Voucher (Section 8) Program waiting list. The program provides first month rent, security deposit, and rental subsidy in proportion to income until such time that housing assistance through the HCV (Section 8) program becomes available.</p>	\$ 216,364.48	\$ <b>216,364.48</b>

**CITY OF KILLEEN  
HOME INVESTMENT PARTNERSHIPS PROGRAM  
FY2015-2016/M-15-MC-48-0228**

<b>HOME PROGRAM REQUESTS</b>				
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>	
<b>3</b>	Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN COMMUNITY            DEVELOPMENT</b> Attn: Maria Barraza 802 N. 2nd Street, Bldg. E P.O. Box 1329 Killeen, Texas 76540 254.501.7842 lhinkle@killeentexas.gov mbarraza@killeentexas.gov	<b>Homebuyer Assistance Program (HAP) with            Repairs</b> - funds will be used to assist first time buyers with down payment and closing costs not to exceed \$7,500; repairs will be made to ensure the unit meets local, state, and federal building code. Buyers must have a minimum income equal to 60%-80% of the Area Median Income and qualify for a mortgage loan; unit must be single family conventional construction within the corporate city limits.	\$ 168,000.00	\$ <b>166,746.21</b>
<b>TOTAL PROGRAM FUNDING REQUESTS :</b>		\$ 384,364.48	\$ <b>383,110.69</b>	
<b>Total Available \$</b>		<b>383,110.69</b>		

<b>4</b>	Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN COMMUNITY            DEVELOPMENT</b> 802 N. 2nd Street, Bldg. E P.O. Box 1329 Killeen, Texas 76540 254.501.7847 lhinkle@killeentexas.gov mbarraza@killeentexas.gov	<b>HOME Program Administration</b> - Maximum 10% of annual grant amount - costs for salary, operations and delivery of the HOME Program.	\$ 30,172.60	\$ <b>30,172.60</b>
<b>TOTAL HOME ADMINISTRATION REQUEST :</b>		\$ 30,172.60	\$ <b>30,172.60</b>	

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2015-2019 CONSOLIDATED STRATEGIC PLAN AND THE 2015-2016 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$932,745.00 IN FY 2015-16 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$981,768.05 OF CDBG FUNDS; AND THE APPLICATION OF \$301,726.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$458,542.19 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2015-19 Consolidated Strategic Plan has been developed in accordance with the overall goals of the community planning and development programs and in accordance with 24 CFR Part 91 outlining the Consolidated Submission for Community Planning and Development Programs and will be in effect until September 30, 2020; and

**WHEREAS**, the 2015-16 Action Plan describing CDBG and HOME activities is consistent with the goals and objectives described in the Consolidated Strategic Plan; and

**WHEREAS**, two public hearings were conducted and held by the City Council to seek citizen participation in the development of the 2015-2019 Consolidated Strategic Plan and the 2015-16 Action Plan describing the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program funds; and

**WHEREAS**, the Community Development Advisory Committee (CDAC) has reported its recommendation on the use of CDBG and HOME Program funds for FY 2015-16; and

**WHEREAS**, the City Council of the City of Killeen has invited and received further citizen comment on the allocation of \$932,745.00 in FY 2015-16 CDBG funds and the reprogramming of \$42,707.53 of CDBG funds from prior year completed projects and

\$6,315.52 of prior year program income, and the allocation of \$301,726.00 in FY 2015-16 HOME funds and the reprogramming of \$96,250.80 of HOME funds from prior year completed projects and \$60,565.39 of prior year program income;

**WHEREAS**, after due consideration of the community's needs within the City as provided by the U.S. Department of Housing and Urban Development, the City Council of the City of Killeen has determined to apply for and has agreed on the allocation of said funds;

**NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the City Council of the City of Killeen reviewed and approved the 2015-2019 Consolidated Strategic Plan and held public hearings, on June 9 and July 14, 2015, in accordance with HUD regulations to hear and accept citizen comments for the required 30 day comment period on the Consolidated Strategic Plan and 2015-16 Annual Action Plan describing proposed CDBG and HOME activities.

**SECTION II.** That the City Council of the City of Killeen hereby authorizes the City Manager to submit the 2015-2019 Consolidated Strategic Plan and execute an application for \$932,745.00 in CDBG funds and \$301,726.00 in HOME funds for FY 2015-16 and approves the reprogramming of \$49,023.05 in prior year CDBG funds and \$156,816.19 in prior HOME funds and approves CDBG and HOME Program expenditures during FY 2015-16 in the following manner:

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**PUBLIC SERVICES**

<b>Bell County Human Services:</b> child care services	\$ 5,000.00
<b>Bring Everyone in the Zone:</b> Military Support program salary assistance	\$ 8,000.00
<b>Communities In Schools of Greater Central Texas, Inc.: Connections Program</b> salary assistance for a case worker	\$ 22,000.00
<b>Families in Crisis, Inc.:</b> client transportation services	\$ 6,000.00
<b>Greater Killeen Free Clinic:</b> nursing salary assistance	\$ 23,911.75
<b>Heritage House of Central Texas:</b> Empowerment Program salary assistance	\$ 5,000.00
<b>Hill Country Community Action Association, Inc.:</b> kitchen aide/meal driver salary assistance	\$ 10,000.00
<b>City of Killeen Transportation Program:</b> transportation services for seniors	\$ 60,000.00

**HOUSING**

<b>Housing Rehabilitation Program</b> – urgent/minor repairs, accessibility modifications, With program delivery	\$ 170,695.00
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**ACQUISITIONS, PUBLIC FACILITIES AND IMPROVEMENTS**

<b>Central Texas 4C, Inc.:</b> Killeen Head Start Expansion	\$ 21,912.30
<b>City of Killeen Parks and Recreation Department:</b> Stewart Neighborhood Project - Phase II	\$ 322,000.00
<b>City of Killeen Street Services Department:</b> Stewart Neighborhood Sidewalk Reconstruction Project	\$ 140,700.00

**ADMINISTRATION/PLANNING**

<b>Administration and Planning of CDBG Program</b>	\$ 186,549.00
<b><u>TOTAL CDBG FUNDS ALLOCATED:</u></b>	<b><u>\$ 981,768.05</u></b>

**HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM**

<b>Administration of Home Program</b>	\$ 30,172.60
<b>Community Housing Development Organizations [CHDO] Set Aside – minimum set aside</b>	\$ 45,258.90
<b>Families In Crisis, Inc.:</b> Tenant Based Rental Assistance	\$ 216,364.48
<b>Homebuyer Assistance Program (HAP) with Repairs</b>	\$ 166,746.21
<b><u>TOTAL HOME FUNDS ALLOCATED:</u></b>	<b><u>\$ 458,542.19</u></b>

Further, all funds remaining in any project account at the completion of the project shall be transferred forward to like accounts to be available for subsequent reprogramming to other eligible projects.

**SECTION III.** That if any section or part of any section or paragraph of this ordinance is 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 this ordinance shall be effective after its passage and approval to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 14th day of July, 2015 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**

\_\_\_\_\_  
Scott Cospers, MAYOR

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

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

**DISTRIBUTION:** Community Development Department, Finance Department

## Executive Summary

### 1. Introduction

The Consolidated Strategic Plan (CSP) is a 3-5 year planning document required from the jurisdiction in its participation in U.S. Department of Housing and Urban Development (HUD) grant programs. The jurisdiction has selected a five year plan to address community needs and their respective priority as identified by citizens, public service agency and civic organization representatives, local government and city officials, city planning and community development staff. The information collected and received during community planning meetings and public hearings was combined and reduced to a listing of specific categories of objectives and goals to achieve over the next five years through individual annual plans and consolidated performance reports at the end of each fiscal cycle.

The Consolidated Strategic Plan focuses on the proposed uses of two Federal Entitlement Program funding resources: CDBG and HOME Programs.

**Community Development Block Grant (CDBG):** The primary objective of this program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low income. Funds may be used for a wide variety of activities, including: housing rehabilitation, homeownership assistance; lead-based paint detection and removal; construction or rehabilitation of public facilities; removal of architectural barriers, public services; rehabilitation of commercial or industrial buildings; matching other programs requiring “local” and loans or grants to businesses.

**Home Investment Partnership Program (HOME):** the HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for low-income households. HOME funds can be used for activities that promote affordable rental housing and homeownership for low-income households, including building acquisition; new construction and reconstruction; moderate or substantial rehabilitation; homebuyer assistance; and tenant-based rental assistance.

Additional funding from various public, private, or other federal sources will be combined with the CDBG and/or HOME funding to achieve the goals established for each year of the five year plan.

Performance will be measured at the end of each fiscal cycle noting accomplishments as well as discrepancies due to unforeseen causes.

The Killeen community is encouraged to participate at every opportunity in identifying new or changing needs and reporting them to the Community Development Advisory Committee (CDAC), during public

hearings and comment periods in association with the proposed use and expenditure of the HUD funding.

## **2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview**

The City of Killeen and its public and private partners will utilize Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program funds in conjunction with other public and private funding sources to achieve outcomes in meeting the identified needs of its community and in serving the needs of the various income levels of persons and households by:

- ~ Creating a suitable living environment through programs and financial resources that provide assistance and improvement of human performance, motivation, and productivity; bettering the economic conditions under which people live, learn and work
- ~ Sustaining a suitable living environment by improving the safety and viability of neighborhoods and through the re-use and revitalization of existing resources in focused areas
- ~ Providing a suitable living environment through decent affordable housing programs that provide opportunities to assist the most at-risk families who are faced with excessive gaps between housing costs and practical solutions and interventions that are associated with housing needs in connection with the deterioration of existing affordable housing stock owned and occupied by low income families, elderly and/or disabled individuals and families

## **3. Evaluation of past performance**

The jurisdiction estimates the following accomplishments undertaken during the 2010- 2014 Consolidated Strategic Plan (October 1, 2010 through September 30, 2014).

~An estimated 15,187 people were assisted through Public Service programs and activities through the allocation of \$721,099 of CDBG funds

~Ten (10) Public Facilities, improvements, and acquisition of public facilities including installing new and extending the useful life of facilities that serve or are located in areas of predominantly low-income populations through programs and services, and professional services that enable the projects to go forward. These activities include improvements and reconstruction of streets, sidewalks and neighborhood parks and the local farmer's market, early childhood education centers, playgrounds and safety improvements, refrigerated storage for perishable food items at a local food bank, and expansion of the local free clinic. Each of these improvements were made possible through the allocation of \$2,198,856 of CDBG funds

~Code Enforcement activities including enforcement of city codes and ordinances and demolitions of 3 substandard, vacant, and abandoned structures in target areas and addressing other code violations such as junk vehicles, high weeds and grass, graffiti including administrative costs associated with delivery of enforcement of the codes. This activity created a more suitable living environment for 22,104 unduplicated persons in target areas with over 10,700 violations being sited through the allocation of \$40,003 of CDBG funds

~One (1) Affordable rental housing complex was developed with \$650,000 of HOME funds coupled with \$10,224,660 of State Housing Tax Credit Program funds and an additional \$1,998,000 of private loan funds. The development created 112 new rental units available to elderly households earning 60% or less of the median family income for the area.

~Thirty-six (36) first time homebuyers were assisted through the HOME funded Homebuyer Assistance Program whereas the funds were used for down payment, closing costs, interest rate reductions [to make payments more affordable] and rehabilitation actions which bring the property into compliance with adopted property maintenance codes and ordinances. These properties and property owners received \$409,000 of the jurisdiction's HOME funds.

~Two hundred eighty (280) households were assisted with monthly rental subsidies made available through the jurisdiction's HOME funded Tenant Based Rental Assistance programs. These programs focused on target populations of elderly persons, age 62 years and older, victims of domestic violence and/or sexual assault, veterans, and other households at-risk of becoming homeless. This activity utilized 1,205,880 of the jurisdiction's HOME funds.

~Six (6) staff members worked over 62,400 hours in efforts to carry out the required planning, implementation, monitoring, and reporting of the city's CDBG and HOME programs throughout the past five years. Planning and administration included conducting outreach to low-income persons and households that are eligible to receive assistance through funded activities, neighborhood/community planning meetings to receive input and determine community need, seminars and workshops with industry leaders, faith-based and non-profit entities, other public and private stakeholders who serve special and target populations in need of housing, employment, child care, medical/health care, mentoring and education tutoring/training, transportation, nutrition, and other services that are needed within the community, and continued training from HUD and HUD approved technical assistance providers to maintain ongoing compliance with statutory and regulatory requirements associated with the funding. \$930,074 of CDBG and HOME program administration funds were used to achieve planning and administration costs over the past five years.

~ The City estimates approximately \$6,197,283 of CDBG and HOME program funds have leveraged more than \$16,986,164 in federal, state, and local resources totaling over \$23,183,447 over the past five years providing health and human services, public facility and public improvements, and decent housing opportunities for the Killeen community.

#### **4. Summary of citizen participation process and consultation process.**

Citizen participation is encouraged through various media sources, including publications in local and ethnic newspapers, through the City's public access channel, public news bulletin boards located in municipal buildings, and through accessing the City's internet web site. Information kiosks and bulletins are provided via written correspondence and electronic mail formats to public service agencies, civic, and faith based organizations.

The Citizen Participation Plan describes how citizens, non-profit organizations and other interested entities may contribute to the development of the consolidated strategy and annual plans to address objectives and goals to meet the identified community need. All persons are afforded the opportunity to meet with City staff, to participate by attending community planning meetings, public hearings, and advisory committee meetings, and to submit proposals.

During the preparation of the Consolidated Strategic Plan, comments are accepted through various correspondence formats, from all persons, public, private or civic organizations and are considered when funding various project requests. Access to public hearings and notice of hearings are made available to all persons, regardless of impediments or disabilities, and are published in accordance with HUD and local regulations.

Participation of non-English speaking citizens is accomplished with bilingual staff and publication in Spanish language, of public notices of hearings, informational manuals, and guides on the CDBG and HOME Programs. Bilingual staff is also available on an individual basis and translators for other languages are available upon citizen's request. Community Development Advisory Committee members are involved in the development of programs, are actively involved in local community development matters with many members utilizing [their] bilingual capabilities to stimulate and encourage participation of minority and non-English speaking citizens.

##### Presentations, Discussions and Priorities

Two community-planning meetings were held on February 18 and 26, 2015 by the Community Development Advisory Committee (CDAC), with presentations to attendees by the Community

Development Division Staff, at the Bell County Human Services building located at 718 N. 2nd Street, downtown Killeen. The planning meetings introduced the consolidated plan process for the federal grant programs and funding resources for 2015-2019 and for the fiscal year 2015-2016 with attendees contributing community input on housing and community development needs.

The City also conducted a “community survey” consisting of 27 questions [7 demographic and 20 category specific] associated with affordable and fair housing needs, suitable living environments and expansion of economic opportunities through utilization of governmental and non-governmental resources to serve the Killeen community. All Killeen citizens and community stakeholders were encouraged to complete the entire survey or only those sections of interest. The survey was available beginning February 20 through March 31, 2015 via the City’s Community Development Department web page; additionally survey access was available for mobile device users through a “text to access” mobile keyword, or as a paper document. A total of 446 persons accessed the survey with 94% (420) completing the full survey. Survey respondents were offered three choices in their response to the questions posed with the objective to place each question in a priority need category of high, low, or none/no priority. Through the planning meetings and the community survey, citizens, service providers, community leaders, and other interested parties were asked to identify and prioritize specific needs of the community. The following represents priorities established from those respondents:

High priority housing needs included the need for homeless shelters, housing for elderly persons age 65 and older, accessibility [architectural barrier removal] for disabled home owners, barriers to homeownership due to bad or poor credit and the inability to qualify for a mortgage loan and the lack of down payment for those that can qualify and then the lack of income to pay for necessary repair/maintenance of the home. Rental housing with high priority concerns included the condition of the unit, excessive deposits for security, utility and/or pets. Areas of low or no priority included for renters include landlord not accepting rent subsidy payments from federal programs and allowing a disability assistance /emotional support animal in the unit. Respondents indicated that they would participate in free educational opportunities through online, video, or “podcast” courses regarding the homebuyer process, credit counseling, or understanding lease or rental agreements.

Public Service program priorities garnering high need responses include abused and neglected children, crime prevention and awareness, and mental health counseling and services. Low/no priority areas

identified include the need for one-time payment assistance programs and fair housing/tenant – landlord counseling.

Special needs populations, which includes groups of persons with disabilities of a physical, developmental, mental, addiction, or social disease, veterans, frail elderly, ex-offenders, unaccompanied (homeless) youth, domestic violence victims and other households moving from transitional housing to permanent housing, also had several high scores for the various special needs populations. Those populations garnering 80% or more of the overall response included unaccompanied youth/youth exiting foster care, victims of domestic violence, and persons with mental illness followed by 79.7% listing disabled veterans with a high priority. These special needs populations usually require some level of supportive services to assist in performing routine daily tasks – those high ranked support services include life skills training to attain self-sufficiency, information and referral with case management and housing support services. Assisted living facilities and transitional housing (up to 24 months) are key components to success of the special needs populations groups.

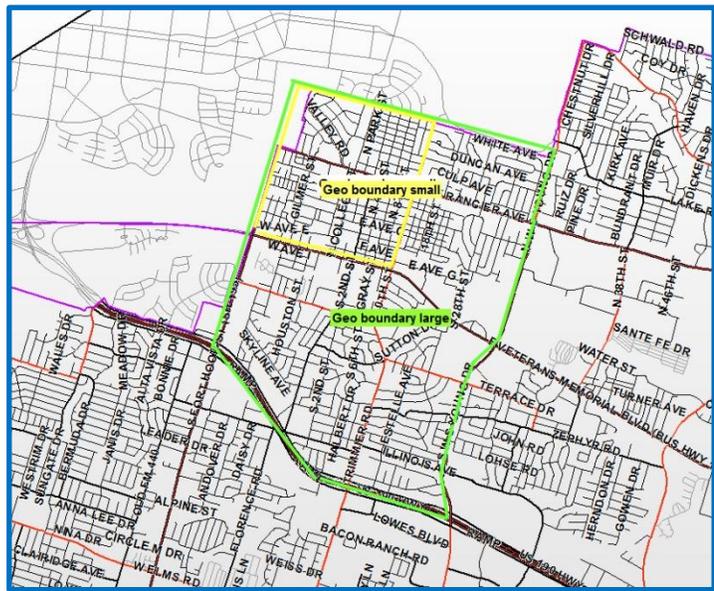
Facilities for use in delivery of public service programs, as well as funding to bridge gaps in providing those facilities necessary for serving and meeting the particular needs of the community are vital in the cycle of creating and sustaining suitable living environments. Public facility and public improvements, identified such as youth centers, food bank/food pantry, neighborhood facilities (i.e. multi-purposes structures for social services and recreation) primarily serving low-income persons and outdoor locations (not buildings) for parks and recreation; sidewalks including lighting, benches, street-scaping and trash receptacles green space and demolition and clearance of unsafe structures, in residential areas also received high priority responses. Public facilities and improvements of this nature are limited to areas within the city containing higher populations of low-income households and/or serve primarily low-income persons and families.

Economic development plays an important role in the life of any community and is largely governed by two factors: government and entrepreneurship. Local government often provides incentives for entrepreneurship investment to flourish and take hold, resulting in economic growth for the community. Survey respondents indicated that job creation and training were necessary for empowerment and self-sufficiency to reduce generational poverty. Business (*assuming small business types*) mentoring, small business loans, and start up assistance were among the high priorities that could

potentially spur new growth in areas left behind or forgotten by the auto-urban society. Factors also considered and associated with economic development includes re-use and revitalization of older structures for commercial/industrial use and residential neighborhoods necessary for housing the required work force and utilization of supply provided. Areas identified as having a high priority for revitalization and redevelopment included existing small neighborhood park areas, single-family housing rehabilitation and/ or reconstruction, educational opportunities through public schools and child development centers and multi-family housing with amenities that provide social and recreational space along with security (i.e. gated perimeter). Older buildings may also serve the community by housing local cultural and heritage centers, galleries, exhibition halls, or museum. Numerous responses provided potential geographical areas in need of this type of redevelopment/revitalization with the most responses indicating the area encompassed within the boundary of Fort Hood boundary on the North; Fort Hood Street (Hwy 195) on the West; Highway 190 (Central Texas Expressway) on the South; and W. S. Young on the East (Geo boundary large). Yet within that boundary lies a smaller geographical area identified as a priority area encompassing Fort Hood boundary on the North; Fort Hood Street (Hwy 195) on the West; Hwy 190 (Business 190/Veterans Memorial Blvd.) on the South; and 10<sup>th</sup> Street on the East (Geo boundary small).

Specific boundary division should be considered carefully so as not to leave one side or the other of any particular boundary line without fair and equitable consideration of inclusion.

These priorities will be more fully described and visualized in the complete consolidated strategy.



## **5. Summary of public comments**

Written comments received from June 10, 2015 through July 9, 2015 and submitted to the Community Development Department, 802 N. 2<sup>nd</sup> Street, Building E or mailed to the Community Development Department, P.O. Box 1329, Killeen, Texas 76540-41329, will be presented to the Killeen City Council for review and consideration at the July 14, 2015 public hearing. Those comments will then become a permanent part of the CSP document.

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

The jurisdiction will accept comments on the content associated with the 2015-2019 Consolidated Strategic Plan in the proposed use of U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program funds for the period of October 1, 2015 to September 30, 2020. All other comments not relevant to the contents may be

## **7. Summary**

The jurisdiction will accept comments on the content associated with the 2015-2019 Consolidated Strategic Plan and in the proposed use of U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) programs throughout the coming five years, adjusting to new and changing community priorities.



# City of Killeen

## Legislation Details

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**File #:** PH-15-024    **Version:** 1    **Name:** Zoning 15-10  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 6/15/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**

**Title:** HOLD a public hearing and consider an ordinance requested by Dinna Hamilton (Case #Z15-10) to rezone .309 acres, part of the A. Dickson Survey, Abstract No. 266, from "B-5" (Business District) with a Special Use Permit (SUP) to "B-5" (Business District) with a Conditional Use Permit (CUP) for continued use as Mid-Tex Towing. The property is locally known as 4100 E. Veterans Memorial Boulevard, Killeen, Texas.

**Sponsors:** Planning & Development Dept

**Indexes:**

**Code sections:**

**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)  
[Application](#)  
[Location map](#)  
[Buffer map](#)  
[Considerations](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

ZONING CASE #Z15-10 "B-5" (BUSINESS DISTRICT) WITH A SPECIAL USE PERMIT (SUP) TO "B-5" (BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP)

ORIGINATING DEPARTMENT PLANNING & DEVELOPMENT SERVICES

### Nature of the Request

Dinna Hamilton has submitted this request to rezone 4100 E. Veterans Memorial Boulevard, from "B-5" (Business District) with a Special Use Permit (SUP) to "B-5" (Business District) with a Conditional Use Permit (CUP) to allow for continued use as Mid-Tex Towing. The subject property is locally known as 4100 E. Veterans Memorial Boulevard, Killeen, Texas.

### **District Descriptions:**

**A building or premises in the "B-5" Business District shall be used only for the following purposes:**

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse. Less than one hundred thousand (100,000) square feet.
- (4) Newspaper or job printing.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Trailer rental or sales.
- (8) Wholesale house.
- (9) Auto parts sales, used. No outside storage, display or dismantling.
- (10) A customarily incidental use.
- (11) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (12) Mobile home sales.
- (13) Sale of beer and/or wine for off-premises consumption only.
- (14) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

### Conditional Use Permit

**Purpose.** The purpose of the Conditional Use Permit process is to identify those land uses that may be appropriate within a zoning district but, due to their location, function or operation, could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning the same so as to mitigate or eliminate such potential adverse impacts. The Conditional Use Permit runs with the land, regardless of ownership, until termination of the permit.

**Criteria for approval.** The Planning and Zoning Commission may recommend approval of a Conditional Use Permit by majority vote, but shall recommend disapproval of an application if it finds one or more of the following, or other valid justifications, to be true:

(A) The proposed use will be incompatible with existing or permitted uses on surrounding sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;

(B) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

(C) The proposed use will be detrimental to the public health, safety or welfare, or will negatively affect the property or improvements in the vicinity;

(D) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;

(E) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;

(F) The proposed use fails to provide adequate and convenient off-street parking and loading facilities; or

(G) The proposed use will incorporate the sale or distribution of alcoholic beverages for on-premises consumption except where the applicant seeks a temporary permit, not to exceed two (2) months in duration, to allow for the on-premises sale, distribution or consumption of alcoholic beverages for temporary events in compliance with a Texas Alcoholic Beverage Commission issued permit and the Texas Alcoholic Beverage Code, as amended.

Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public.

### **Property Specifics**

**Applicant/Property Owner:** Dinna Hamilton

**Property Location:** The property is located along the south right-of-way of E. Veterans Memorial Boulevard and is addressed as 4100 E. Veterans Memorial Boulevard, Killeen, Texas.

**Legal Description:** 0.309 acres out of the A. Dickson Survey, Abstract No. 266, Killeen, Texas.

### **Zoning/Plat Case History:**

This property was last zoned to allow a Special Use Permit (SUP) for an impound yard on July 27, 2010, per Ordinance No. 10-35, for a period of five (5) years.

The property is not platted.

### **Character of the Area**

**Existing Land Uses(s) on the Property:** The property contains an office building, accessory building and enclosed (fenced) parking area on an improved parking surface.

### **Figure 1. Zoning Map**

See Attachment

**Historic Properties:** None

### **Infrastructure and Community Facilities**

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: There is adequate water and sewer infrastructure available to the property. The property is legally subdivided and municipal utilities are readily available to the subject property. Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. Unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

#### **Transportation:**

Existing conditions: E. Veterans Memorial Boulevard is classified as a 110' principal arterial on the City's Thoroughfare Plan.

Proposed Improvements: There are none at this time.

Projected Traffic Generation: There will be no increase in traffic as a result of this consideration.

### **Environmental Assessment**

**Topography:** The property is relatively flat.

**Regulated Floodplain/Floodway/Creek:** The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA).

### **Land Use Analysis**

**Land Use Plan:** This area is designated as 'General Commercial' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** The 'General Commercial' character encourages a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

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

**Public Notification**

The staff notified seven (7) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no protests.

**Recommendation**

The Planning and Zoning Commission recommended approval of the requested Conditional Use Permit (CUP) with the following conditions:

1. That the CUP for the impound yard is valid for a period of five (5) years;
2. No salvaging or dismantling is allowed on the premises as part of the CUP; and
3. All existing screening shall remain place.

**Figure 1. Zoning Map**



**Historic Properties:** None

**PLANNING AND ZONING COMMISSION MEETING  
JUNE 15, 2015**

**CASE #Z15-10  
B-5 W/SUP TO B-5 W/CUP**

**HOLD a public hearing and consider a request by Dinna Hamilton to rezone 0.309 acre, part of the A. Dickson Survey, Abstract No. 266, from B-5 (Business District) with a Special Use Permit (SUP) to B-5 (Business District) with a Conditional Use Permit (CUP) for continued use as Mid-Tex Towing. The property is locally known as 4100 E. Veterans Memorial Blvd, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that this request by Dinna Hamilton submitted this request to rezone 4100 E. Veterans Memorial Boulevard, from “B-5” (Business District) with a Special Use Permit (SUP) to “B-5” (Business District) with a Conditional Use Permit (CUP) to allow for continued use as Mid-Tex Towing. The SUP was approved by the City Council July 21, 210 for a period of 5 years. The subject property is locally known as 4100 E. Veterans Memorial Boulevard, Killeen, Texas.

The staff notified seven (7) surrounding property owners within a 200’ notification boundary regarding this request. Staff received no protests.

Staff recommends approval of the requested Conditional Use Permit with the following conditions:

1. That the CUP for the impound yard is valid for a period of five (5) years;
2. No salvaging or dismantling is allowed on the premises as part of the CUP; and
3. All existing screening shall remain place.

Staff supports the applicant’s request for rezoning to “B-5 w/CUP”.

Ms. Dinna Hamilton, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Butler motioned to recommend approval of the request with the conditions as stated by staff. Vice Chair Dorroh seconded the motion. The motion passed unanimously.

Chairman Frederick stated that the zoning case will be forwarded to City Council on July 14, 2015, with a recommendation to approve.

**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 B-5 (BUSINESS DISTRICT) WITH SPECIAL USE PERMIT (SUP) TO B-5 WITH CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Dinna Hamilton has presented to the City of Killeen a request for amendment of the Zoning Ordinance of the City of Killeen by changing the classification of the hereinafter described property from B-5 (Business District) with Special Use Permit (SUP) to B-5 (Business District) with Conditional Use Permit (CUP) for continued use as Mid-Tex Towing impound yard, said request having been duly presented and recommended for approval to by the Planning and Zoning Commission of the City of Killeen on the 15th day of June 2015 with the following conditions:

1. That the CUP for the impound yard is valid for a period of five (5) years;
2. No salvaging or dismantling is allowed on the premises as part of the CUP;
3. All existing screening shall remain place;

and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 14th day of July 2015, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the request should be approved;

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

**Section I.** That the zoning classification of the following described tract be changed from B-5 (Business District) with Special Use Permit (SUP) to B-5 (Business District) with Conditional Use Permit (CUP) for a period of five (5) years, with the conditions as stipulated by the Planning and Zoning Commission, for property being locally known as 4100 E. Veterans Memorial Boulevard (Bus. Hwy. 190), Killeen, Texas.

**Section II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**Section III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 14th day of July 2014, 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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**Scott Cospers, MAYOR**

**ATTEST:**

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**Dianna Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Kathryn H. Davis, City Attorney**

Case #15-10

Ord. #



Date Paid:	_____
Amount Paid:	\$ _____
Cash/MO #/Check #:	# _____
Receipt #:	_____

CASE #: Z15-10

## City of Killeen Zoning Change Application

[ ] General Zoning Change [X] Conditional Use Permit

Name(s) of Property Owner: Dinna Hamilton  
 Current Address: 4100 E. Veterans Memorial Blvd  
 City: Killeen State: TX Zip: 76543  
 Home Phone: ( ) N/A Business Phone: ( ) 254-699-9729 Cell Phone: ( ) 254-535-0759  
 Email: dinna63imca@yahoo.com

Name of Applicant: \_\_\_\_\_  
 (If different than Property Owner)

Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Cell Phone ( ) \_\_\_\_\_  
 Email: \_\_\_\_\_

Address/Location of property to be rezoned: \_\_\_\_\_

Legal Description: 0.309 Acres part of A. Dickson Survey  
Metes & Bounds or Lot(s) Block Subdivision Abstract 266

Is the rezone request consistent with the Comprehensive Plan? YES NO

Type of Ownership: X Sole Ownership \_\_\_ Partnership \_\_\_ Corporation \_\_\_ Other

Present Zoning: B-5 Present Use: Impound Yard

Proposed Zoning: CUP Proposed Use: Impound Yard

Conditional Use Permit for: Impound Yard

This property was conveyed to owner by deed dated 01-15-14 and recorded in Volume 8820  
 Page 601, Instrument Number 00002206 of the Bell County Deed Records.  
 (Attached)

Is this the first rezoning application on a unilaterally annexed tract?  
 Yes \_\_\_\_\_ (Fee not required) No X (Submit required fee)

## APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ Business Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

**be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning request.**

**I understand that the City will deal only with a fully authorized agent.** At any time it should appear that my agent has less than full authority to ace, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by may agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of Applicant *Dinna Hamilton* Title *Owner*

Printed/Typed Name of Applicant *Dinna Hamilton* Date \_\_\_\_\_

Signature of Property Owner *Dinna Hamilton* Title *Owner*

Printed/Typed Name of Property Owner *Dinna Hamilton* Date \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

**#Z15-10**

**ZONING FROM:**

**B-5 to B-5 w/CUP**

**APPLICANT:**

**DINNA HAMILTON**

**ADDRESS TO  
BE REZONED:**

**4100 E. VETERANS  
MEMORIAL BLVD.**

**PROPERTY OWNER:**

**DINNA HAMILTON**

**LEGAL DESCRIPTION:**

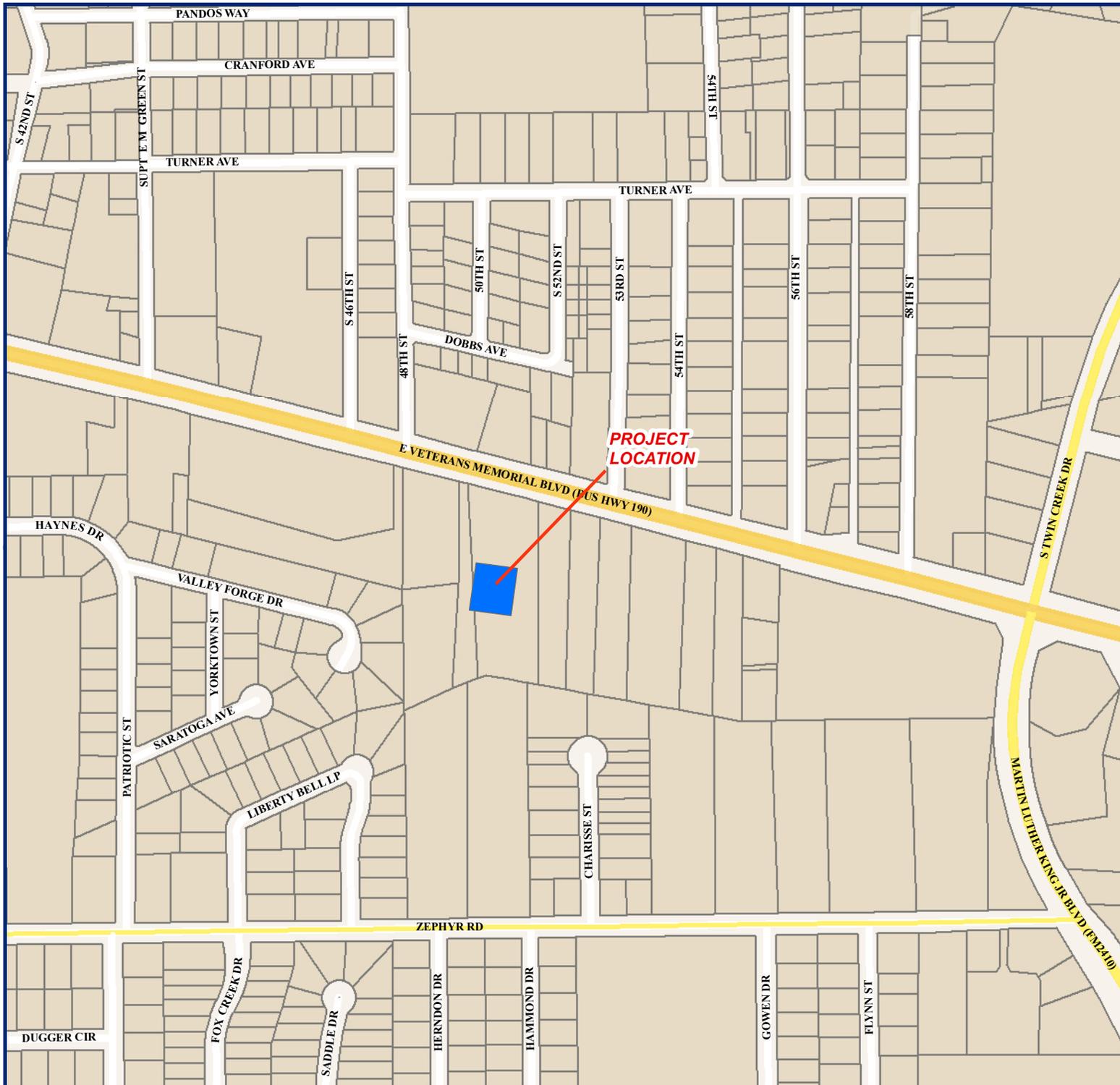
**0.309 ACRES PART OF  
A. DICKSON SURVEY  
ABSTRACT 266**

**Legend**

-  Zoning Case
-  Parcel
-  City Limits



Date: 5/27/2015





**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

**#Z15-10**

**ZONING FROM:**

**B-5 to B-5 w/CUP**

**APPLICANT:**

**DINNA HAMILTON**

**ADDRESS TO  
BE REZONED:**

**4100 E. VETERANS  
MEMORIAL BLVD.**

**PROPERTY OWNER:**

**DINNA HAMILTON**

**LEGAL DESCRIPTION:**

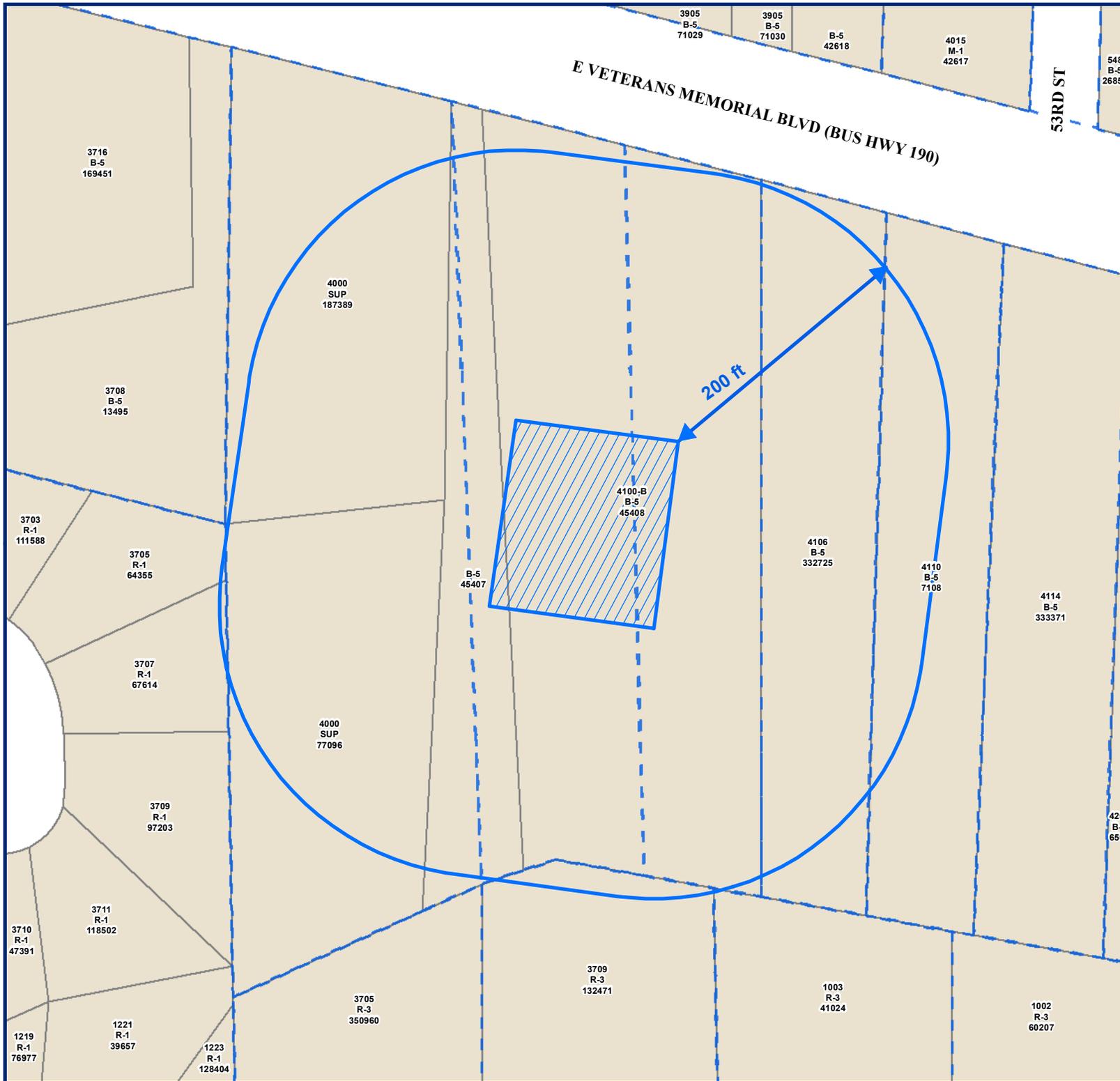
**0.309 ACRES PART OF  
A. DICKSON SURVEY  
ABSTRACT 266**

**LEGEND**

-  **200 FT BUFFER**
-  **ZONING CASE**
-  **Parcel**
-  **City Limits**



**Date: 5/27/2015**



# CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2<sup>nd</sup> 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

## **A. General Factors to Consider:**

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

## **B. Conditional Use Permit (if applicable)**

Whether the use is in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

## **C. Conditions to Consider**

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.



# City of Killeen

## Legislation Details

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**File #:** PH-15-025A    **Version:** 1    **Name:** FLUM 15-11  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 6/15/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' and 'Rural' to 'General Commercial' (FLUM# Z15-11) for approximately 8.288 acres, being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the east right-of-way of South W.S. Young Drive, approximately 300' south of E. Stan Schlueter Loop (FM 3470) and north of Rio Grande Court, Killeen, Texas.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[FLUM Amendment Request](#)  
[Minutes](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

### COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) AMENDMENT: 'GENERAL RESIDENTIAL' AND 'RURAL' TO 'GENERAL COMMERCIAL'

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

#### Nature of the Request

The applicant is requesting to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change 'Rural' and 'General Residential' designated areas to a 'General Commercial' designated area for approximately 8.288 acres, being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the east right-of-way of South W.S. Young Drive, approximately 300' south of E. Stan Schlueter Loop (FM 3470) and north of Rio Grande Court, Killeen, Texas.

The applicant has submitted a concurrent request to rezone the subject properties from "R-1" (Single-Family Residential District) to "B-5" (Business District) and "B-1" (Professional Business District).

**Land Use Plan:** The property is designated as 'General Residential' and 'Rural' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** The Comprehensive Plan calls for detached residential dwellings; attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes); planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; public/institutional uses; parks and public spaces. The characteristics of this designation include:

Predominantly "R-1" zoning district is with less openness and separation between dwellings compared to 'Suburban Residential' areas.

Auto-oriented character that can be offset with architectural standards, landscaping and limited uniform subdivision designs.

Neighborhood-scale commercial emerging over time for well-suited areas.

**Plan Recommendation:** The Comprehensive Plan calls for residential homesteads; agricultural uses and agriculture-focused commercial retail; natural and protected floodplain areas; wide open landscapes, with no sense of enclosure, and views to the horizon unbroken by buildings.

The characteristics of this designation include: very high open space ratios and very low building coverage; very low-density development, providing privacy and detachment from other

dwellings in the area; much greater reliance on natural drainage systems, except where altered significantly by agricultural operations.

**If approved, the property will be designated as 'General Commercial' which contemplates the following community character:** The proposed revision to the property would result in a 'General Commercial' designation on the Future Land Use Map (FLUM) of the Comprehensive Plan. This designation calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

### **Figure 1. Aerial Map (FLUM)**

See Attachment

### **Figure 2. Future Land Use Map (FLUM)**

See Attachment

**The items below should be reviewed and addressed when a Future Land Use & Character map adjustment is proposed:**

**Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? *The amendment would affect approximately 8.288 acres, and should be considered a small scale amendment.*

**Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? *The 'Rural' land use designation is shown on the map due to the existence of a Special Flood Hazard Area (SFHA) on the property. The areas to the north of the site are currently designated for 'General Commercial' use; this action simply allows for additional commercial opportunities near the highly visible corner of Stan Schlueter Loop (FM 3470) and South W. S. Young Drive.*

**Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? *The proposed map change is not inconsistent with other City planning efforts (Water and Wastewater Master Plan, Thoroughfare Plan, Parks Master Plan).*

**Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? *Staff has sufficient information regarding utility capacity and roadway level of service for this area.*

**Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? *Mr. Andrew Owens, the owner of 2406 Rio Grande Court spoke in opposition to the FLUM amendment request.*

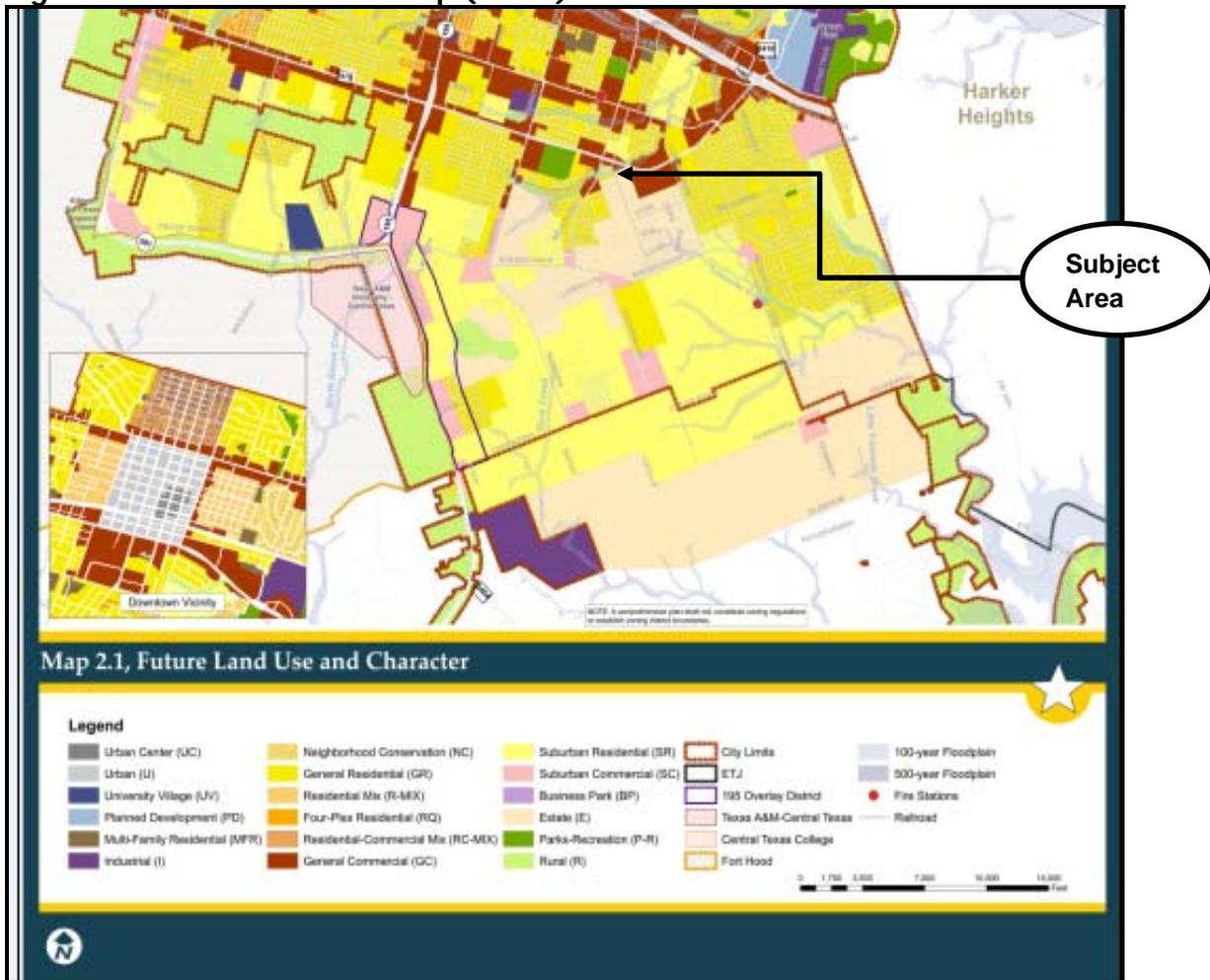
### **Recommendation**

The Planning and Zoning Commission recommended approval of amending the Future Land Use Map from 'General Residential' and 'Rural' to 'General Commercial' by a vote of 8 to 0. The Comprehensive Plan forms a framework where decision-makers have the flexibility to encourage land use balance and enhance economic development success. An amendment to the FLUM for this property will be consistent with the projected commercial growth anticipated for this area and will encourage supporting commercial retail uses necessary for the residents.

**Figure 1. Aerial Map** (Google Map data)



**Figure 2. Future Land Use Map (FLUM)**



# Quintero Engineering, LLC

Civil Engineering • Land Surveying  
Planning • Construction Management  
www.quinteroeng.com



May 14, 2015

City of Killeen  
Tony McIlwain  
200 E. Avenue D, 2<sup>nd</sup> Floor  
Killeen, Texas 76541

Re: Rezoning Application – FM 3470 & WS Young Drive & Onion Road

Dear Mr. McIlwain,

Please find this letter as our petition to consider a request on behalf of the owner, LAM Estates, Ltd., to revise the City's Comprehensive Plan Future Land Use & Character Map from General Residential to General Commercial on a tract of land consisting of approximately 8.288 acres and better shown in the attached Surveyor's Sketch.

The requested General Commercial land use is not inconsistent with the land use of the surrounding properties. The property is situated in a business corridor in both the north-south and east-west directions consisting of B-2, B-3 and B-5 business zoning districts. The existing transportation infrastructure surrounding the property consists of:

- WS Young - a minor arterial street fronting the west property line;
- E Stan Schlueter Loop - a principal arterial street located approximately 300 feet north and parallel with the north property line;
- Onion Road - a collector street adjacent to the east property line; and
- Rio Grande Court - a local street adjacent to the south property line.

The proposed General Commercial land use in this area compliments the surrounding land uses and positively promotes the City's business district growth model.

Should you have any questions, please don't hesitate to contact me.

Sincerely yours,

A handwritten signature in blue ink that reads 'Pedro Quintero, P.E.'.

Pedro Quintero, P.E.  
President

Enclosures

P.O. Box 4386, Killeen, Texas 76540  
Office: 254-493-9962 Fax: 254-432-7070  
T.B.P.E. Firm No.: 14709 T.B.P.L.S. Firm No. 10194111

**PLANNING AND ZONING COMMISSION MEETING  
JUNE 15, 2015**

**CASE FLUM #Z15-11  
RURAL AND GENERAL RESIDENTIAL TO GENERAL COMMERCIAL**

**HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change 'Rural' and 'General Residential' designated areas to a 'General Commercial' designated area for approximately 8.288 acres, being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the east right-of-way of South W.S. Young Drive, approximately 300' south of E. Stan Schlueter Loop (FM 3470) and north of Rio Grande Court, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that the applicant is requesting to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change 'Rural' and 'General Residential' designated areas to a 'General Commercial' designated area for approximately 8.288 acres, being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the east right-of-way of South W.S. Young Drive, approximately 300' south of E. Stan Schlueter Loop (FM 3470) and north of Rio Grande Court, Killeen, Texas.

Staff recommended approval of amending the FLUM from 'Rural' and 'General Residential' to 'General Commercial' for this area. The Comprehensive Plan forms a framework where decision-makers have the flexibility to encourage land use balance and enhance economic development success. An amendment to the FLUM for this property will be consistent with the projected commercial growth anticipated for this area and will encourage supporting commercial retail uses necessary for the residents.

Chairman Frederick opened the public hearing.

Mr. Andre Owens, 2406 Rio Grande Ct, Killeen, Texas, spoke in opposition to the requested amendment to the FLUM. His concerns were the possibility of decrease in property values, increase in crime, issues with drainage and the fact that the homes on Rio Grande Court would be facing the rear of commercial entities when the residents were in their front yards. Mr. Pedro Quintero spoke in support of the request; he also addressed a couple of the concerns that were stated. The uses in the B-1 portion would be retail sales and the drainage issues would be improved.

With no one else requesting to speak, the public hearing was closed.

Vice Chair Dorroh motioned to recommend approval amendment of the FLUM. Commissioner Butler seconded the motion. The motion passed unanimously.

Chairman Frederick stated that the FLUM amendment will be forwarded to City Council on July 14, 2015, with a recommendation to approve.

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' AND 'RURAL' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY 8.288 ACRES OF LAND LOCATED ALONG THE EAST RIGHT-OF-WAY OF SOUTH W.S. YOUNG DRIVE, APPROXIMATELY 300' SOUTH OF EAST STAN SCHLUETER LOOP (FM 3470) AND NORTH OF RIO GRANDE COURT, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to achieve orderly growth and fiscally prudent land development; and,

**WHEREAS**, the City Council finds that zoning regulations must be adopted in accordance with a comprehensive plan; and,

**WHEREAS**, the City Council has received a request from LAM Estates, Ltd. to revise the Future Land Use Map (FLUM) of the Comprehensive Plan to change approximately 8.288 acres from 'General Residential' and 'Rural' to 'General Commercial'; and

**WHEREAS**, the City Council finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

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

**SECTION I:** That the land use designation of the following described tract be amended from 'General Residential' and 'Rural' to 'General Commercial' for approximately 8.288 acres, being located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 14th day of July 2015, 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:**

---

**Scott Cospers**  
**MAYOR**

**ATTEST:**

---

**Diana Barker**  
**CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis**  
**CITY ATTORNEY**

Case #:FLUM #Z15-11  
Ord#:15-\_\_\_



# City of Killeen

## Legislation Details

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**File #:** PH-15-025B    **Version:** 1    **Name:** Zoning 15-11  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 6/15/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance requested by LAM Estates, Ltd. (Case #Z15-11) to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District) for property located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)  
[Application](#)  
[Location map](#)  
[Buffer map](#)  
[Considerations](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z15-11 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-5" (BUSINESS DISTRICT) AND "B-1" (PROFESSIONAL BUSINESS DISTRICT)**

### ORIGINATING DEPARTMENT

**PLANNING & DEVELOPMENT SERVICES**

### Nature of the Request

Quintero Engineering L.L.C. submits this zoning request on behalf of LAM Estates, Ltd. to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The property is located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas. The applicant is intending to develop the site for prospective commercial use.

### **District Descriptions:**

#### **A building or premises in the "B-5" Business District shall be used only for the following purposes:**

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse. Less than one hundred thousand (100,000) square feet.
- (4) Newspaper or job printing.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Trailer rental or sales.
- (8) Wholesale house.
- (9) Auto parts sales, used. No outside storage, display or dismantling.
- (10) A customarily incidental use.
- (11) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (12) Mobile home sales.
- (13) Sale of beer and/or wine for off-premises consumption only.
- (14) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

#### **A building or premises in the "B-1" (Professional Business District) shall be used only for the following purposes:**

- (1) Offices of practitioners of the recognized professions, as herein defined:
  - a. Professional building. Any structure used solely for the housing of professional offices of recognized professions.
  - b. Professions, recognized. Members of a recognized profession include those persons and customary staff normally considered as professional, and shall be deemed

to include doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions.

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

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

(3) Buildings may be used for one (1) or more of the uses prescribed in section 31-276(2) only under the following conditions:

- a. The total area of a professional building devoted to any single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
- b. The total area of a professional building devoted to incidental uses in the aggregate shall not exceed twenty-five (25) percent of the gross floor area of the building.
- c. Public access to such incidental uses shall be from the interior of the building.
- d. No parking space shall occupy any part of the required front yard, except as provided in section 31-287(a)(1)b.
- e. Sign standards for this district shall apply to both primary and incidental uses.
- f. No building in this district shall be constructed or altered to produce a storefront, show window or display window, and there shall be no merchandise visible from the exterior of the building.
- g. No outside storage shall be permitted in this district.

(4) Office, general business.

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

(6) All uses allowed in section 31-186, with the exception of one-family dwellings.

### **Property Specifics**

**Applicant/Property Owner:** Lam Estates, Ltd.

**Property Location:** The property is located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

**Legal Description:** The property is part of the Robert Cunningham Survey, Abstract No. 199, Killeen, Texas.

### **Zoning/Plat Case History:**

The last zoning activity on the property occurred on September 12, 2000, when a portion of the property was zoned from "A" (Agricultural District) to "R-1" (Single-Family Residential District), per Ordinance No. 00-69.

The property is not platted.

### **Character of the Area**

**Existing Land Uses(s) on the Property:** The property is not developed.

### **Figure 1. Aerial Map**

See Attachment

**Historic Properties:** None

### **Infrastructure and Community Facilities**

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: The existing potable water main that serves the property is a 12-inch diameter transmission main running along the west right-of-way of South W.S. Young Drive. Upon approval of a future development permit application, the developer would be required to extend a public water main across the property to provide adequate commercial and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria.

Public sanitary sewer utilities are in place and immediately accessible to the tract. The existing sanitary sewer main that serves the property is a 6-inch diameter collection main running along the east right-of-way of South W.S. Young Drive. Upon approval of a future development permit application, the developer would be required to extend a public sanitary sewer main to provide adequate collection capacity in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. The structures within the property were served by an onsite sanitary sewer facility (OSSF). Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development may be served by an existing or new OSSF.

#### **Transportation:**

Existing conditions: The property has direct access to South W.S. Young Drive, which is classified as a 70' collector on the City's approved Thoroughfare Plan.

Proposed Improvements: Upon submission of a subdivision plat, it will be necessary for the property owner to dedicate the necessary right-of-way as detailed on the Thoroughfare Plan.

Any new modes of ingress/egress to the tract from South W. S. Young Drive will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed. South W. S. Young Drive is an urbanized road section (curb and gutter) and is currently at the desired level of service for a minor arterial street classification.

Projected Traffic Generation: Undetermined at this time.

### **Environmental Assessment**

**Topography:** The property ranges in elevation from 856' to 872'.

**Regulated Floodplain/Floodway/Creek:** Approximately 5.57 acres of the approximate 8.288 acres in this zoning case are located within a regulatory Special Flood Hazard Area (SFHA). The acreage within the SFHA includes approximately 3.32 acres within the Floodway. Current City codes require the establishment of a creek buffer zone along Little Nolan Creek that will span a distance of 25' beyond the top of each bank.

The wetlands for the site are classified as follows: approximately .55 acres are a freshwater pond (PUBHh), approximately 0.66 acres are a Freshwater Emergent Wetland (PEM1Fh), and approximately 0.51 acres are Freshwater Forested/Shrub wetland (PFO1Ch). The soils for the site are classified as follows: approximately 2.3 acres are San Saba clay with 1 to 3 percent slopes (SsB), approximately 5.6 acres are Frio silty clay with 0 to 1 percent slopes and is frequently flooded (Fs), and approximately 0.4 acres are Brackett association with 8 to 12 percent slopes (BRE).

Currently sheet flow runoff on this development enters Little Nolan Creek within the subdivision boundary. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

### **Land Use Analysis**

**Land Use Plan:** The total area of 8.288 acres area is designated as 'General Residential' and 'Rural' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** 'General Residential' calls for detached residential dwellings; Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes); planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; public/institutional uses; parks and public spaces.

'Rural' allows residential homesteads, planned development to accommodate conservation and cluster residential designs, agricultural uses, agriculture-focused commercial retail, public/institutional/parks and public spaces, and natural and protected floodplain areas.

**Consistency:** The "B-5" and "B-1" zoning requests are not consistent with the FLUM; however staff is recommending amending the FLUM to 'General Commercial'.

### **Public Notification**

The staff notified eighteen (18) surrounding property owners within a 200' notification boundary regarding this request. Staff received no protests.

### **Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 8 to 0.

**Figure 1. Aerial Map**



**PLANNING AND ZONING COMMISSION MEETING  
JUNE 15, 2015**

**CASE #Z15-11  
R-1 TO B-5 AND B-1**

**HOLD a public hearing and consider a request by LAM Estates, Ltd. to rezone approximately 5.392 acres from R-1 (Single-Family Residential District) to B-5 (Business District) and approximately 2.896 acres from R-1 (Single-Family Residential District) to B-1 (Professional Business District), being part of the Robert Cunningham Survey, Abstract No. 199. The property is located on the east right-of-way of South W.S. Young Drive, approximately 300' south of E. Stan Schlueter Loop (FM 3470) and north of Rio Grande Court, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that this request by LAM Estates, Ltd. is to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The property is located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas. The applicant is intending to develop the site for prospective commercial use.

The staff notified 18 (eighteen) surrounding property owners regarding this request. No written responses were received.

Staff recommends approval of the applicant's request for 2.896 acres of "B-1" (Professional Business District) and 5.392 acres of "B-5" (Business District) zoning for the property as exhibited on the surveyor's sketch.

Staff supports the applicant's request.

Mr. Pedro Quintero, Quintero Engineering, P.O. Box 4386, Killeen, Texas, was present to represent this request. Mr. Quintero stated that there would be no ingress/egress onto Rio Grande Court. Access would be from W.S. Young Drive and Onion Road. There is a planned 140 foot buffer with the B-1 portion and landscaping is being considered along Rio Grande Court. The property owner is willing to enter into an agreement with the city to improve Onion Road.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Vice Chair Dorroh motioned to recommend approval of the "B-1 request for 2.896 acres and B-5 request for 5.392 acres" request. Commissioner Butler seconded the motion. The motion passed unanimously.

Chairman Frederick stated that the zoning case will be forwarded to City Council on July 14, 2015, with a recommendation to approve.

**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 B-5 (BUSINESS DISTRICT) AND B-1 (PROFESSIONAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Quintero Engineering L.L.C. on behalf of LAM Estates, Ltd., has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 5.392 acres from R-1 (Single-Family Residential District) to B-5 (Business District) and 2.896 acres from R-1 (Single-Family Residential District) to B-1 (Professional Business District) for property located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 15th day of June 2015, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 14th day of July 2015, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the opinion that the request should be approved;

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

**SECTION I.** That the zoning classification of the following described 5.392 acre tract be changed from R-1 (Single-Family Residential District) to B-5 (Business District) and 2.896 acres from R-1 (Single-Family Residential District) to B-1 (Professional Business District), as detailed in Exhibit #1, for property located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 14th day of July 2015, 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:**

\_\_\_\_\_  
**Scott Cospser, MAYOR**

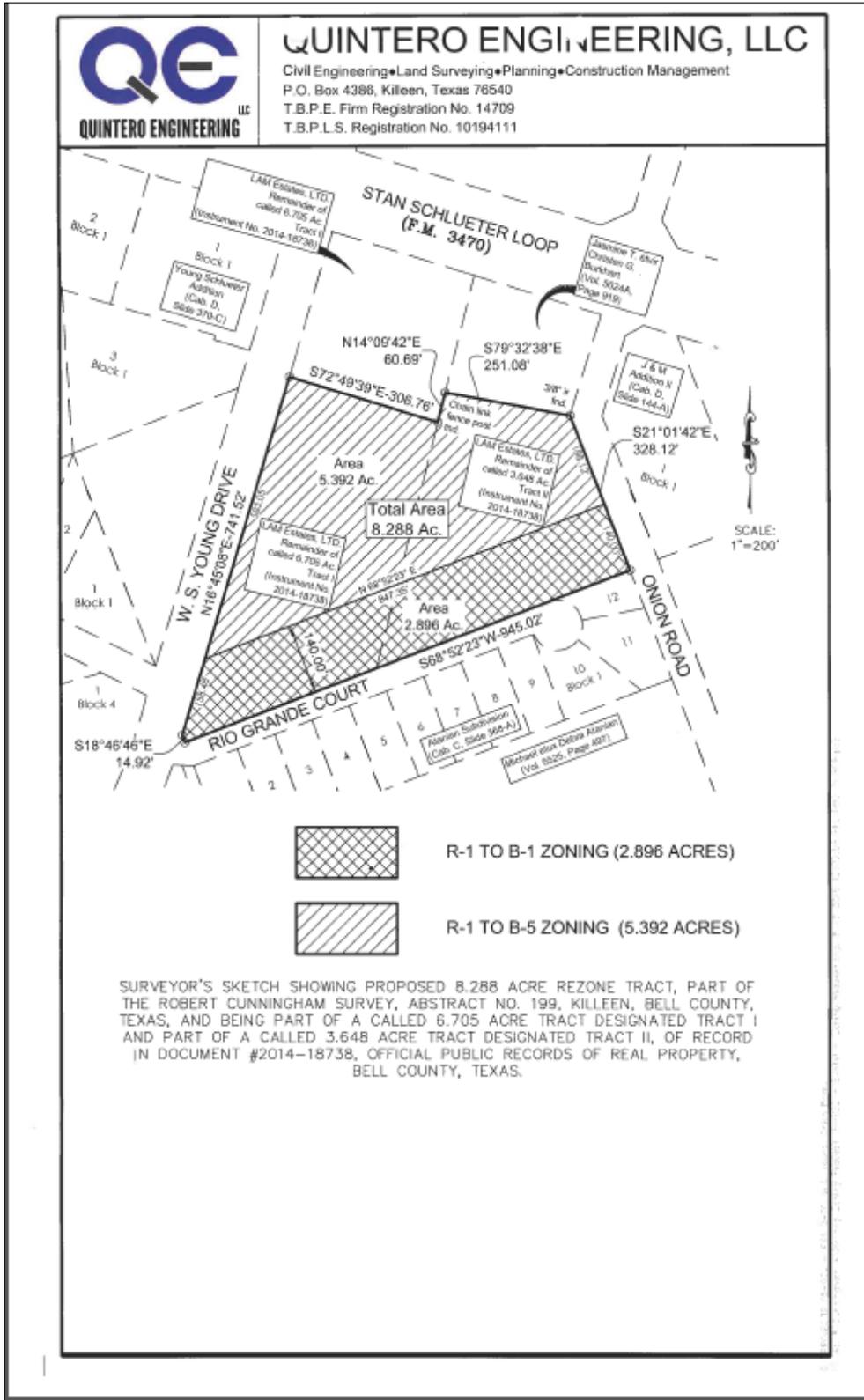
**ATTEST:**

\_\_\_\_\_  
**Diana Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Kathryn H. Davis, City Attorney**

Case #15-11  
Ord. #15-\_\_\_\_





Date Paid:	_____
Amount Paid:	\$ _____
Cash/MO #/Check #:	# _____
Receipt #:	_____

CASE #: 215-11

## City of Killeen Zoning Change Application

**General Zoning Change**     **Conditional Use Permit**

Name(s) of Property Owner: LAM Estates, Ltd.

Current Address: 11280 E. Trimmier Road

City: Killeen State: Texas Zip: 76542

Home Phone: ( ) N/A Business Phone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_

Email: N/A

Name of Applicant: Same as Property Owner  
(If different than Property Owner)

Address: Same as Property Owner

City: Same as Property Owner State: Same as Property Owner Zip: Same as Property Owner

Home Phone: ( ) N/A Business Phone: ( ) N/A Cell Phone ( ) \_\_\_\_\_

Email: N/A

Address/Location of property to be rezoned: 4803 Onion Rd, Killeen

Legal Description: Being part of 6.705 acres of land, designated Tract I, out of the Robert Cunningham Survey, Abstract 199, and all of the 3.648 acres of land, designated Tract II, out of the Robert Cunningham Survey, Abstract 199, conveyed to LAM Estates, Ltd., of record in Document #2014-18738, Official Public Records of Real Property, Bell County, Texas.

**Surveyor's Sketch**   
  **Metes & Bounds**   
 or   
  **Lot(s)**   
  **Block**   
  **Subdivision**

Is the rezone request consistent with the Comprehensive Plan?  YES  NO

Type of Ownership: \_\_\_\_\_ Sole Ownership  Partnership \_\_\_\_\_ Corporation \_\_\_\_\_ Other

Present Zoning: R-1 Present Use: Undeveloped

Proposed Zoning: B-1 and B-5 Proposed Use: Commercial

Conditional Use Permit for: N/A

This property was conveyed to owner by deed dated 05/29/2014 and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Instrument Number 201400018738 of the Bell County Deed Records. (Attached)

Is this the first rezoning application on a unilaterally annexed tract?  
 Yes  (Fee not required)    No  (Submit required fee)

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Quintero Engineering, LLC

Mailing Address: P.O. Box 4386

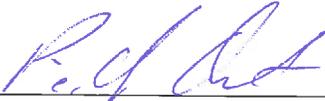
City: Killeen State: Texas Zip: 76540 - \_\_\_\_\_

Home Phone: (\_\_\_\_) N/A Business Phone: (254) 493-9962

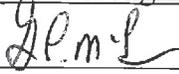
I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

**I understand that the City will deal only with a fully authorized agent.** If at any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government, and that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my", or "me" is a reference to the entity.

Signature of Agent  Title Agent

Printed/Typed Name of Agent Quintero Engineering, LLC Date 5/14/15

Signature of Property Owner  Title Partner

Printed/Typed Name of Property Owner Gary L. McLean Date 5-14-15

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

\* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

#Z15-11

**ZONING FROM:**

R-1 TO B-1 AND  
R-1 TO B-5

**APPLICANT:**

LAM ESTATES, LTD.

**ADDRESS TO  
BE REZONED:**

4803 ONION RD

**PROPERTY OWNER:**

LAM ESTATES, LTD.

**LEGAL DESCRIPTION:**

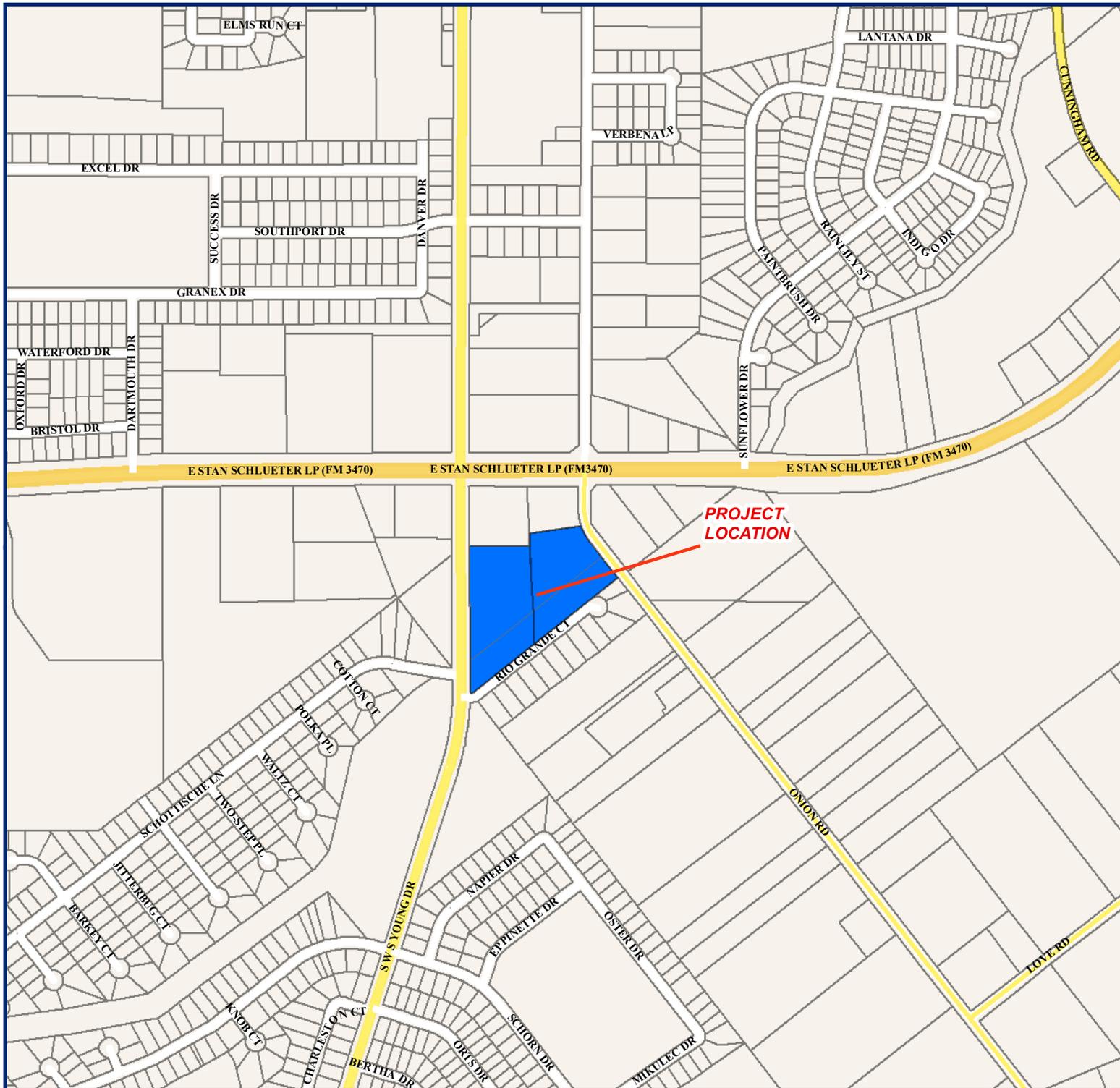
8.288 ACRES, PART OF  
THE ROBERT CUNNINGHAM  
SURVEY ABSTRACT NO.199

**Legend**

-  Parcel
-  Zoning Case
-  City Limits



Date: 5/18/2015



E STAN SCHLUETER LP (FM3470)

E STAN SCHLUETER LP (FM 3470)



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

**#Z15-11**

**ZONING FROM:**

**R-1 TO B-1 AND  
R-1 TO B-5**

**APPLICANT:**

**LAM ESTATES, LTD.**

**ADDRESS TO**

**BE REZONED:**

**4803 ONION RD**

**PROPERTY OWNER:**

**LAM ESTATES, LTD.**

**LEGAL DESCRIPTION:**

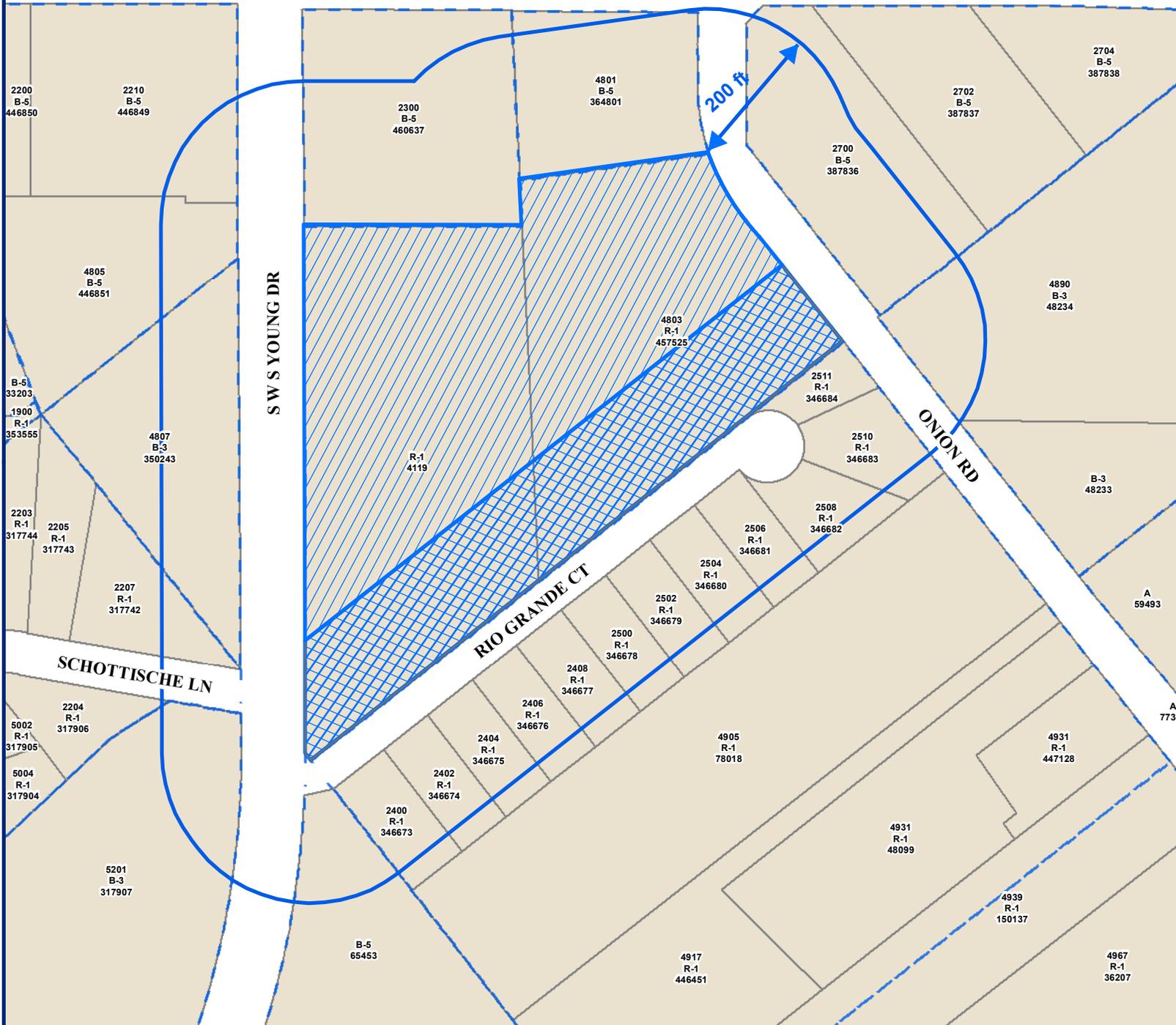
**8.288 ACRES, PART OF  
THE ROBERT CUNNINGHAM  
SURVEY ABSTRACT NO.  
LOTS 16,17 & 18  
LLEWELYN EST. # 3**

**LEGEND**

-  **R-1 TO B-5**
-  **R-1 TO B-1**
-  **200 FT BUFFER**
-  **Parcel**
-  **City Limits**



**Date: 5/21/2015**



# CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2<sup>nd</sup> 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

## A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

## B. Conditional Use Permit (if applicable)

Whether the use is in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

## C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.



# City of Killeen

## Legislation Details

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**File #:** PH-15-026    **Version:** 1    **Name:** FLUM 15-12  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 6/15/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** 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# Z15-12) for approximately 52.54 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located along the north right-of-way of Stagecoach Road, approximately 420 feet west of Rein Drive, Killeen, Texas.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)  
[Request for FLUM Amendment](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

### COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) AMENDMENT: 'SUBURBAN RESIDENTIAL' TO 'GENERAL RESIDENTIAL'

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

#### Nature of the Request

This consideration is to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change a 'Suburban Residential' to a 'General Residential' designated area for 52.54 acres located along the north right-of-way of Stagecoach Road, approximately 420 feet west of Rein Drive, Killeen, Texas. Consideration of an amendment to the FLUM is necessary because of the applicant's request to rezone 52.54 acres from "A-R1" (Agricultural Single-Family Residential District) to "R-1" (Single-Family Residential District).

**Land Use Plan:** The property is designated as 'Suburban Residential' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** The 'Suburban Residential' character encourages detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting, public/institutional uses, parks and public spaces. The characteristics of this designation include:

- Larger baseline minimum lot sizes to allow for larger front yards, building setbacks, and side yard separation
- Less noticeable accommodation of vehicles
- Encourages smaller lot sizes in exchange for greater open space set asides
- Encourages conservation design or cluster development

If approved, the 'General Residential' character encourages and allows the following:

- Detached residential dwellings;
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes);
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; public/institutional; parks and public spaces.
- Predominantly "R-1" zoning district with less openness and separation between dwellings compared to Suburban Residential areas.
- Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs.
- Neighborhood-scale commercial emerging over time for well-suited areas.

#### **Figure 1. Future Land Use Map (FLUM)**

See Attachment

**The items below should be reviewed and addressed when a Future Land Use & Character map adjustment is proposed:**

**Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? *The amendment would affect approximately 52.54 acres, and should be considered large scale.*

**Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? *This amendment request is being spurred by a zoning request. The property owner intends to develop the property for single family residential use and then sell lots to homebuilders and other associated parties. Staff is unaware of any specific market conditions that require the need to remove this property from its current 'Suburban Residential' designation.*

**Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? *This request is not inconsistent with any other City planning efforts.*

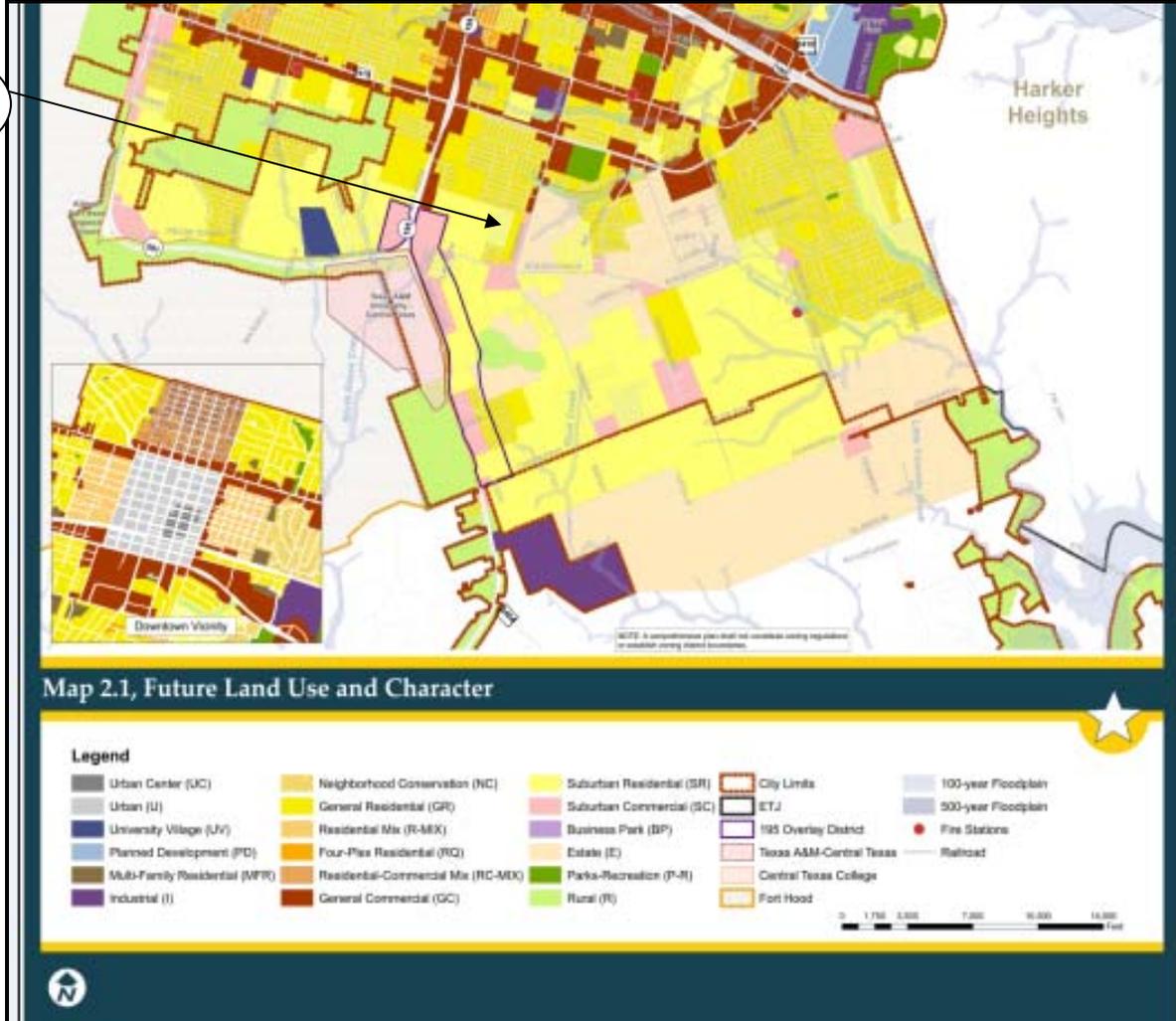
**Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? *Staff does not have any information from the applicant regarding traffic impacts. Staff has notified surrounding property owners regarding the zoning request, and the Planning and Zoning Commission gauged their concerns regarding an amendment to the Future Land Use Map during a June 15th public hearing on the matter.*

**Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? *The following individuals spoke in opposition to the FLUM amendment: Renate Reams of 6705 Alvin Drive; Greg Garrett of 6607 Rein Drive; Fidel Cabrera of 6603 Rein Drive; Kelly and Jason Sheets of 400 Atlas Avenue and Glenn Bauer of 6605 Rein Drive. The concerns voiced were: an increase in residential density, a lack of open space, "not sticking" to the Plan, too much residential development, lack of police officers to patrol, more homes placing a greater strain on schools and an increase in crime rate.*

**Recommendation**

The Planning and Zoning Commission recommended disapproval of amending the Future Land Use Map from 'Suburban Residential' to 'General Residential' by a vote of 5 to 3.

Figure 1. Future Land Use Map (FLUM)



Note: Subject area has been designated as 'Suburban Residential'

**PLANNING AND ZONING COMMISSION MEETING  
JUNE 15, 2015**

**CASE FLUM #Z15-12  
SUBURBAN RESIDENTIAL TO GENERAL RESIDENTIAL**

**HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change a 'Suburban Residential' designated area to a 'General Residential' designated area for approximately 52.54 acres located along the north right-of-way of Stagecoach Road, approximately 420 feet west of Rein Drive, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that this is a consideration to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change a 'Suburban Residential' to a 'General Residential' designated area for 52.54 acres located along the north right-of-way of Stagecoach Road, approximately 420 feet west of Rein Drive, Killeen, Texas. Consideration of an amendment to the FLUM is necessary because of the applicant's request to rezone 52.54 acres from "A-R1" (Agricultural Single-Family Residential District) to "R-1" (Single-Family Residential District).

Staff recommended disapproval of amending the FLUM. While there are adjacent areas designated as 'General Residential', the Comprehensive Plan discusses balance, compatibility, and predictability as three key planning themes. Balance relates to more varied housing options; compatibility relates to preservation of housing values through quality community development and protection of neighborhood character; predictability involves everyone having a level of comfort knowing the type and nature of development that is likely to occur. The 'Suburban Residential' category of the Comprehensive Plan will promote a large baseline minimum lot size and greater setbacks when used in conjunction with the appropriate zoning district ("SR-1" *Suburban Single-Family Residential District*), thus satisfying the afore-mentioned key planning themes.

Chairman Frederick opened the public hearing.

The following residents spoke in opposition to the request to amend the FLUM: Ms. Renate Reams; Greg Garrett; Fidel Cabrera; Kelly and Jason Sheets; Glenn Bauer. The concerns voiced were: density, lack of police officers to patrol, more homes (which will) place an even greater strain on schools, increase in crime rate and a desire for more open space. Ms. Reams and Ms. Sheets also stated that they were informed by the police department that there are eleven City of Killeen police officers on each shift and are not enough police officers to go around.

Mr. Josh Welch spoke in support of the amendment and stated that he would ensure that the homes along the back of the homes on Rein Drive would be one-story homes.

With no one else requesting to speak, the public hearing was closed.

Commissioner Harkin asked to address the commission. Her comments were as follows:

“On June 3 the City of Killeen Planning Department mailed a letter to rezone property located to the west of Rein Drive and requested for the input of the residents residing in the surrounding area which I lived in since 1989. It has been a difficult week since the notification letter was received in my mailbox. I received two telephone calls and one email from city staff asking for me to consider signing an affidavit and abstain from voting due to a possible conflict of interest per Local Government Code section 171.1. I have requested a ruling from the State Attorney General’s Office pertaining to this matter.”

Commissioner Harkin asked that Mr. Frederick read the definition of Local Public Official?

Mr. Frederick read: *“Local public official” means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.*”

Commissioner Harkin stated “I believe that the Killeen Planning and Zoning Commission is advisory in nature and has no authority to make a final decision; the final decision is the sole responsibility of the Killeen City Council. Based on the definition of Local Public Official none of the City of Killeen Planning and Zoning members are local public officials. I question if any other person that has served as planning and zoning commissioner in the past have voted to advise the city of Killeen City Council to approve or disapprove a zoning case for property that they owned?

I have no special interest! I have no relationship to the applicant or his company!

I was appointed to commissioner to fight to grow this city in a new direction. You are very familiar with me and know where I stand.

My vote is based on comp plan, FLUM, staff recommendations, community character and theme, the need and impact, along with the community’s input, as well as, past projects successes and failures.

Therefore, I will not abstain and continue to vote accordingly on this, as well as, future rezones.”

Vice Chair Dorroh motioned to recommend approval of the request to amend the FLUM. Commissioner Cooper seconded the motion. The motion failed 5-3.

Chairman Frederick stated that the FLUM amendment will be forwarded to City Council on July 14, 2015, with a recommendation to disapprove.

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 52.54 ACRES OF LAND LOCATED ALONG THE NORTH RIGHT-OF-WAY OF STAGECOACH ROAD, APPROXIMATELY 420' WEST OF REIN DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to achieve orderly growth and fiscally prudent land development; and,

**WHEREAS**, the City Council finds that zoning regulations must be adopted in accordance with a comprehensive plan; and,

**WHEREAS**, the City Council has received a request from WBW Land Investments L.P. to revise the Future Land Use Map (FLUM) of the Comprehensive Plan to change approximately 52.54 acres from 'Suburban Residential' to 'General Residential'; and

**WHEREAS**, the City Council finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

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

**SECTION I:** That the land use designation of the following described tract be amended from 'Suburban Residential' to 'General Residential' for approximately 52.54 acres, being located along the north right-of-way of Stagecoach Road, approximately 420 feet west of Rein Drive, Killeen, Texas.

**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 14th day of July 2015, 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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**Scott Cospers**  
**MAYOR**

**ATTEST:**

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**Diana Barker**  
**CITY SECRETARY**

**APPROVED AS TO FORM**

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**Kathryn H. Davis**  
**CITY ATTORNEY**

Case #:FLUM #Z15-12  
Ord#:15-\_\_\_

**Tony McIlwain**

*Request for FLUM Amendment*

**From:** Charlotte Humpherys  
**Sent:** Friday, May 29, 2015 10:37 AM  
**To:** Tony McIlwain  
**Subject:** FW: Bingle Rezoning Case

**From:** Joshua Welch [<mailto:jwelch@wbdevelopment.com>]  
**Sent:** Friday, May 15, 2015 3:43 PM  
**To:** Charlotte Humpherys  
**Subject:** Bingle Rezoning Case

Charlotte,

The Comp Plan and amendment process has several factors the city should ensure, but two factors are the development compatibility and infrastructure availability surrounding a property. The proposed amendment for a zoning of R-1 better fits with the surrounding areas that have already been developed, and many infrastructure improvements have taken place - and are taking place - to support this amendment. This property also sits in close proximity to both KISD's Career Center and the University, which demand greater density than a suburban residential zoning. P&Z has previously approved a FLUM change and zoning request for R-1 on this property.

Here is how our request affects the Factors to Consider during plan amendment:

1. Consistency with the principles and policies set forth in the plan:  
This amendment is consistent with the principles and policies set forth in the plan because it better fits with the surrounding developed property and because infrastructure is readily available.
2. Adherence with the Future Land use & Character Map:  
The proposed amendment does adhere with the Future Land Use and Character because the plan is "a flexible document allowing for adjustment". As well, "Minor plan amendments may be proposed at any time".
3. Compatibility with the surrounding area:  
The areas that currently surround the applicant's property are zoned R-1 and R-1A. A designation of R-1 is most compatible with the surrounding areas.
4. Impacts on infrastructure (water, wastewater, drainage, and transportation):  
Infrastructure is currently in place to support this amendment.
5. Impact on City's ability to provide, fund, and maintain services:  
This impact would not adversely impact the City's ability to maintain its services.
6. Impact on environmentally sensitive and natural areas:  
There are no environmentally sensitive or natural areas to impact in this area.
7. Whether the proposed amendment contributes to the overall direction and character of the community as captured in the plan (plus ongoing public input):  
The amendment does contribute to the overall direction and character of the community. This amendment would better support the growth of the KISD career center, future growth of the city, and better support the University.

Josh Welch  
W&B Development  
Office: (254) 953-5353 ext. 1239



# City of Killeen

## Legislation Details

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**File #:** PH-15-027    **Version:** 1    **Name:** 2015 JAG Grant and Interlocal Agreement  
**Type:** Resolution/Public Hearing    **Status:** Public Hearings  
**File created:** 6/17/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** HOLD a public hearing to provide citizens the opportunity to comment, and City Council to discuss and consider the application and Interlocal Agreement of the Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2015-16.  
**Sponsors:** Police Department  
**Indexes:** JAG Grant  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Interlocal Agreement](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## **CITY COUNCIL MEMORANDUM**

**AGENDA ITEM**

**FY 2015 JAG Grant Award**

**ORIGINATING DEPARTMENT**

**Police Department**

### **BACKGROUND INFORMATION**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program continues to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. The program award is allocated through an Interlocal agreement between Bell County, the City of Killeen, and the City of Temple. The program provides single funding to grantees with no requirement for matching or local funds. Funds granted under the JAG have a four-year window for expenditure. All entities must agree to the reallocated amounts of the funds to receive the grant award.

### **DISCUSSION/CONCLUSION**

JAG funding for Fiscal Year 2015 is \$74,170. An agreement has been made to distribute the program award as follows: City of Killeen \$37,456, City of Temple \$16,688, and Bell County \$20,026.

The City of Killeen has been chosen to apply for the JAG award and submit the application for all parties involved. The City of Killeen is responsible for the administration of the funds including distributing the funds, monitoring the award, submitting performance reports and assessment data, and providing ongoing assistance to any sub-recipients of the funds.

The Killeen Police Department anticipates purchasing equipment: body-worn video cameras and supportive technology to implement the video system.

### **FISCAL IMPACT**

The City of Killeen's revenue will be recorded in account 207-0000-201.00-00 JAG (Byrne) Grant 15/16. The City of Killeen's expenditures will be accounted for in account 207-0000-495-61-52 Equipment - 15 JAG Byrne Grant. The city will administer the other entities' funds through account 207-0000-214-00-00 Due to Other Governments.

The proposed project period is from October 1, 2014, to September 30, 2018. There are no matching funds required from the recipients.

### **RECOMMENDATION**

Staff recommends that City Council approve the submission of the 2015 Edward Byrne Memorial Justice Assistance Grant through the Killeen Police Department on behalf of all parties involved, to permit the Killeen Police Department to allocate and administer the duties required by the grant, under the oversight of the City's Grant Administrator, and to approve the Interlocal agreement with Bell County and the City of Temple.

**THE STATE OF TEXAS**

**INTERLOCAL AGREEMENT**

**BETWEEN COUNTY OF BELL, CITY OF KILLEEN, AND CITY OF TEMPLE  
2015 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this \_\_\_ day of \_\_\_\_\_ 2015, by and between **The County of Bell**, State of Texas, acting by and through its governing body, hereinafter referred to as **COUNTY**, and the **City of Killeen**, Texas, a municipal corporation, acting by and through its governing body, hereinafter referred to as **KILLEEN**, and the **City of Temple**, Texas, as municipal corporation, acting by and through its governing body, hereinafter referred to as **TEMPLE**.

**WHEREAS**, this Agreement is made under the authority of Chapter 791 of the Texas Government Code; and

**WHEREAS**, COUNTY, KILLEEN, and TEMPLE previously received grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) to provide parties with the flexibility to prioritize and place justice funds where they are needed most; and

**WHEREAS**, the Department of Justice no longer grants funds to individual entities, but rather requires jurisdictions certified as disparate to submit a joint application and agree in what proportions funds will be shared; and

**WHEREAS**, the Department of Justice has made a grant award of \$74,170 to be allocated by COUNTY, KILLEEN and TEMPLE; and

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

**WHEREAS**, COUNTY, KILLEEN, and TEMPLE believe it to be in their best interests to reallocate the JAG funds;

**NOW THEREFORE, COUNTY, KILLEEN, and TEMPLE agree as follows:**

**Section 1.**

The purpose of this agreement is to establish the rights and duties of each party participating in this agreement, and to establish the administration and division of any JAG award received.

**Section 2.**

Unless otherwise terminated, the term of this agreement shall begin on the date JAG funds are issued, and shall continue in effect until all funds are expended, but in no event shall this agreement continue beyond forty eight (48) months after the project start date of October 1, 2014.

### **Section 3.**

KILLEEN shall submit the application for JAG funds on behalf of COUNTY, KILLEEN and TEMPLE, and further agree that KILLEEN will administer any grant award received. Copies of any and all documentation submitted to the Department of Justice or compiled in the administration of the grant by KILLEEN shall be provided to or made available for COUNTY and TEMPLE. KILLEEN will accept the administration fee of 10% from each dispartate for this grant.

### **Section 4.**

JAG has allocated \$74,170 to COUNTY, KILLEEN and TEMPLE. JAG has distributed the funds as follows:

- a. COUNTY will receive \$0
- b. KILLEEN will receive \$60,288
- c. TEMPLE will receive \$13,882

In order to provide COUNTY with a portion of the funding, KILLEEN agrees to reduce their original allocation. The adjusted anticipated \$74,170 award (reduced by administration fee of \$7,417 to Killeen) will be allocated per agreement to COUNTY, KILLEEN and TEMPLE as follows:

- a. COUNTY will receive \$20,026 or 30%
- b. KILLEEN will receive \$37,456 or 45% and
- c. TEMPLE will receive \$16,688 or 25%.

**All amounts have been rounded in accordance with accounting principles. Should the amount of the award change in any way, the parties agree that division of the award will be by the percentages listed above and not the dollar amounts listed.**

### **Section 5.**

Pursuant to the terms of the grant, the parties agree to expend \$74,170 from the 2015 Byrne Justice Assistance Grant Program by a date not than later forty eight (48) months after the project start date of October 1, 2014.

### **Section 6.**

The grant award will be used by each to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas; law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. Each party is responsible for expending the money granted to it in accordance with the rules of the award, and no other party to this agreement shall have any role in deciding how another party to this agreement expends funds allocated.

**Section 7.**

All notices from one party to another must be in writing and are effective when mailed, hand-delivered or transmitted by email as follows:

**To COUNTY at:**                    **Bell County Sheriff's Office**  
   **P.O. Box 768**  
   **Belton, TX 76513**  
   **Email: [jon.burrows@co.bell.tx.us](mailto:jon.burrows@co.bell.tx.us)**

**To KILLEEN at:**                    **City of Killeen**  
   **101 N. College**  
   **Killeen, TX 76541**  
   **Email: [gmorrison@killeentexas.gov](mailto:gmorrison@killeentexas.gov)**

**To TEMPLE at:**                    **City of Temple**  
   **2 North Main Street**  
   **Temple, TX 76501**  
   **Email: [jgraham@templetx.gov](mailto:jgraham@templetx.gov)**

**Section 8.**

This document constitutes the entire agreement of the parties concerning the JAG award. There are no oral representations, warranties, agreements or promises pertaining to the JAG award not incorporated into this writing. This agreement may be amended only by an instrument in writing signed by all parties.

**Section 9.**

As required by Chapter 791 of the Texas Government Code, each party, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party.

**Section 10.**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY, KILLEEN, or TEMPLE, other than claims for which liability may be imposed by the Texas Tort Claims Act found in Texas Civil Practice and Remedies Code, Chapter 101.

**Section 11.**

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

**Section 12.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 13.**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

This agreement may be executed in any number of counterparts, each of which shall be considered an original for all purposes; provided, however, that all such counterparts shall together constitute one and the same instrument.

City of Killeen, Texas

City of Temple, Texas

County of Bell, Texas

\_\_\_\_\_  
City Manager  
Glenn Morrison

\_\_\_\_\_  
City Manager  
Jonathan Graham

\_\_\_\_\_  
Jon Burrows, County Judge

ATTEST:

ATTEST:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Attorney



# City of Killeen

## Legislation Details

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**File #:** PH-15-028A    **Version:** 1    **Name:** Killeen-Ft Hood Regional Trail (Segment 3)  
**Type:** Resolution/Public Hearing    **Status:** Public Hearings  
**File created:** 6/10/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the award of Bid No. 15-16 for a construction contract to RM Rodriguez Construction, LP for the Killeen Fort Hood Regional Trail (Segment 3) project.  
**Sponsors:** Public Works Department, Transportation Division  
**Indexes:** Hike & Bike Trail  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Engineer Award Recommendation Letter](#)  
[Bid Tabulation](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**AUTHORIZE THE AWARD OF A CONSTRUCTION CONTRACT (BID 15-16) TO RM RODRIGUEZ CONSTRUCTION, LP FOR THE CONSTRUCTION OF THE KILLEEN FORT HOOD REGIONAL TRAIL (SEGMENT 3) PROJECT.**

### ORIGINATING DEPARTMENT

**PUBLIC WORKS - TRANSPORTATION DIVISION**

### BACKGROUND INFORMATION

In cooperation with the Federal Highway Administration, the Texas Highway Commission issued a call for project nominations for the statewide Transportation Enhancement Program (TE) on August 30, 2012. The call began on September 14, 2012, and closed on November 16, 2012. In two previous project calls, the City of Killeen (COK) had secured funding for two (2) hike and bike trails. Those projects (CCM/R 12-091R) have been extremely successful and beneficial to the City of Killeen.

On July 26, 2013, the City received notification that it had been selected to receive \$1,455,498 for a TE award. The City of Killeen's proposed project ranked fourth out of 81 prospective projects submitted to the Texas Department of Transportation (TxDOT). On February 11, 2014, the City Council authorized a reimbursement resolution (CCM/R 14-023R) which included funding for the Westside Trail (Killeen Fort Hood Regional Trail Segment 3) project. On March 25, 2014, City Council authorized entering in an advance funding agreement (CCM/R 14-035R) with TxDOT for the TE award as documented by the Transportation Enhancement Program.

### DISCUSSION/CONCLUSION

The City advertised for bids on April 19, April 26, and May 3, 2015. On May 21, 2015, bids were opened and read aloud for the construction of the project. There were four (4) bids submitted for the project: RM Rodriguez Construction, LP, of Temple, in the amount of \$2,109,000.00; Westar Construction, Inc., of Georgetown, in the amount of \$2,292,731.60; TTG Utilities, LP, of Gatesville, in the amount of \$2,293,940.17; and Unified Services of Texas, Inc., of Southlake, in the amount of \$2,769,228.13. All bidders completed the following: Bid Bond/Security, Conflict of Interest Questionnaire (CIO), and the Certificate Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion. The apparent low bidder is RM Rodriguez Construction, LP, in the amount of \$2,109,000.00. (See bid tabulation.)

### FISCAL IMPACT

Funds for this project in the amount of \$2,109,000 are available in the Killeen Fort Hood Regional Trail (Segment 3) Project account, 348-3490-800.58-81.

## **RECOMMENDATION**

City staff recommends the City Council award a construction contract to the lowest responsible bidder meeting the specifications, RM Rodriguez Construction, LP, in the amount of \$2,109,000 dependent on TxDOT concurrence.



June 3, 2015  
30190

Mr. George Lueck, PE  
City of Killeen – Transportation Director  
P.O. Box 1329  
Killeen, TX 76540

RE: Killen-Ft Hood Regional Trail (Segment 3) –Award Recommendation Letter

Mr. Lueck,

We have reviewed the current workload and construction history of RM Rodriguez Construction, LP and contacted numerous references. The City of Temple, Catholic Diocese of Austin and the Holy Trinity Catholic High School all provided exceptional reviews as RM Rodriguez appeared timely, adhered to budget, and provided quality work. Despite RM Rodriguez's minimal experience in TxDOT Local Government Project Procedures, both Rene Rodriguez (Owner) and Karen Allums (PM) have stressed their understanding and familiarity with the necessary requirements set forth by TxDOT and FHWA. As a result of our findings, we recommend that a contract be awarded to RM Rodriguez Construction, LP in the amount of \$2,109,000.00 as the lowest responsive bidder for the Killeen-Ft Hood Regional Trail (Segment 3) Project. If you have questions, please call.

Sincerely,

HALFF ASSOCIATES, INC.

A handwritten signature in black ink that reads "S M Bertram".

Shawn Bertram, PE  
Public Infrastructure Manager



					Bidder		RM Rodriguez Construction, LP		Westar Construction, Inc.		TTG Utilities, LP		Unified Services of Texas, Inc.	
					Location		5116 S. General Bruce Dr. Suite A Temple, TX 76502		4500 Williams Dr. Suite 212 Georgetown, TX 78633		231 Memorial Dr. Gatesville, TX 76528		2110 Greenbriar Dr. Southlake, TX 76092	
Guarantee: BB-BD BOND CC-CASHIERS CHECK CTC-CERT. CHECK					5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND	
ITEM NO.	TECH SPEC	DESCRIPTION	UNIT	QTY	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost
<b>BASE BID 1 (Killeen-Ft Hood Regional Trail)</b>														
100	100 2002	PREP ROW	STA	62.06	\$ 250.00	\$ 15,515.00	\$ 1,000.00	\$ 62,060.00	\$ 300.00	\$ 18,618.00	\$ 350.00	\$ 21,721.00	\$ 596.08	\$ 36,992.72
101	104 2009	REMOVING CONC (RIPRAP)	SY	63	\$ 7.00	\$ 441.00	\$ 52.00	\$ 3,276.00	\$ 15.00	\$ 945.00	\$ 24.00	\$ 1,512.00	\$ 143.19	\$ 9,020.97
102	104 2015	REMOVING CONC (SIDEWALKS)	SY	24	\$ 8.00	\$ 192.00	\$ 40.00	\$ 960.00	\$ 15.00	\$ 360.00	\$ 16.00	\$ 384.00	\$ 294.79	\$ 7,074.96
103	104 2022	REMOVING CONC (CURB AND GUTTER)	LF	82	\$ 12.00	\$ 984.00	\$ 19.00	\$ 1,558.00	\$ 15.00	\$ 1,230.00	\$ 5.00	\$ 410.00	\$ 96.50	\$ 7,913.00
104	104 2031	REMOVING CONC (HEADWALL)	CY	12	\$ 150.00	\$ 1,800.00	\$ 245.00	\$ 2,940.00	\$ 25.00	\$ 300.00	\$ 188.00	\$ 2,256.00	\$ 821.58	\$ 9,858.96
105	104 2044	REMOVING CONC (FLUME)	SY	521	\$ 15.00	\$ 7,815.00	\$ 38.00	\$ 19,798.00	\$ 13.50	\$ 7,033.50	\$ 30.00	\$ 15,630.00	\$ 60.00	\$ 31,260.00
106	110 2001	EXCAVATION (ROADWAY)	CY	5600	\$ 7.00	\$ 39,200.00	\$ 9.00	\$ 50,400.00	\$ 8.00	\$ 44,800.00	\$ 10.00	\$ 56,000.00	\$ 31.06	\$ 173,936.00
107	110 2002	EXCAVATION (CHANNEL)	CY	700	\$ 7.00	\$ 4,900.00	\$ 14.50	\$ 10,150.00	\$ 8.00	\$ 5,600.00	\$ 10.50	\$ 7,350.00	\$ 25.23	\$ 17,661.00
108	132 2003	EMBANKMENT (FINAL)(ORD COMP)(TY B)	CY	3700	\$ 8.00	\$ 29,600.00	\$ 12.00	\$ 44,400.00	\$ 7.00	\$ 25,900.00	\$ 6.00	\$ 22,200.00	\$ 16.70	\$ 61,790.00
109	152 2002	ROAD GRADER WORK (ORD COMP)	SY	9634	\$ 5.00	\$ 48,170.00	\$ 9.80	\$ 94,413.20	\$ 6.00	\$ 57,804.00	\$ 2.60	\$ 25,048.40	\$ 4.88	\$ 47,013.92
110	160 2003	FURNISHING AND PLACING TOPSOIL (4")	SY	37115	\$ 1.00	\$ 37,115.00	\$ 2.00	\$ 74,230.00	\$ 4.00	\$ 148,460.00	\$ 2.50	\$ 92,787.50	\$ 4.61	\$ 171,100.15
111	164 2003	BROADCAST SEED (PERM)(RURAL)(CLAY)	SY	37115	\$ 0.35	\$ 12,990.25	\$ 0.18	\$ 6,680.70	\$ 0.55	\$ 20,413.25	\$ 0.25	\$ 9,278.75	\$ 0.23	\$ 8,536.45
112	168 2001	VEGETATIVE WATERING	MG	186	\$ 10.00	\$ 1,860.00	\$ 10.00	\$ 1,860.00	\$ 100.00	\$ 18,600.00	\$ 49.00	\$ 9,114.00	\$ 322.27	\$ 59,942.22
113	247 2061	FL BS (CMP IN PLC)(TY A GR 1)(6")	SY	9634	\$ 8.50	\$ 81,889.00	\$ 9.00	\$ 86,706.00	\$ 6.00	\$ 57,804.00	\$ 9.40	\$ 90,559.60	\$ 5.58	\$ 53,757.72
114	402 2001	TRENCH EXCAVATION PROTECTION	LF	1172.6	\$ 2.50	\$ 2,931.50	\$ 3.00	\$ 3,517.80	\$ 2.25	\$ 2,638.35	\$ 3.45	\$ 4,045.47	\$ 22.73	\$ 26,653.20
115	423 2007	RETAINING WALL (SPREAD FOOTING)	SF	1281	\$ 75.00	\$ 96,075.00	\$ 35.00	\$ 44,835.00	\$ 75.00	\$ 96,075.00	\$ 55.00	\$ 70,455.00	\$ 18.04	\$ 23,109.24
116	432 2001	RIPRAP (CONC)(4")	CY	54.3	\$ 400.00	\$ 21,720.00	\$ 350.00	\$ 19,005.00	\$ 400.00	\$ 21,720.00	\$ 460.00	\$ 24,978.00	\$ 529.03	\$ 28,726.33
117	432 2019	RIPRAP (STONE PROTECTION)(12IN)	CY	109	\$ 100.00	\$ 10,900.00	\$ 55.00	\$ 5,995.00	\$ 75.00	\$ 8,175.00	\$ 100.00	\$ 10,900.00	\$ 144.65	\$ 15,766.85
118	432 2039	RIPRAP (MOW STRIP)(4")	CY	5.1	\$ 400.00	\$ 2,040.00	\$ 450.00	\$ 2,295.00	\$ 650.00	\$ 3,315.00	\$ 630.00	\$ 3,213.00	\$ 1,526.00	\$ 7,782.60
119	432 2048	RIPRAP (CONC)(FLUME)	CY	0.6	\$ 400.00	\$ 240.00	\$ 900.00	\$ 540.00	\$ 650.00	\$ 390.00	\$ 1,600.00	\$ 960.00	\$ 8,903.00	\$ 5,341.80
120	432 2072	RIPRAP (CONC)(CL B)(RR8 & RR9)	CY	22.4	\$ 500.00	\$ 11,200.00	\$ 350.00	\$ 7,840.00	\$ 550.00	\$ 12,320.00	\$ 500.00	\$ 11,200.00	\$ 912.06	\$ 20,430.14
121	450 2075	RAIL (HANDRAIL)(TY D)	LF	863	\$ 100.00	\$ 86,300.00	\$ 130.00	\$ 112,190.00	\$ 133.00	\$ 114,779.00	\$ 196.50	\$ 169,579.50	\$ 106.40	\$ 91,823.20
122	462 2008	CONC BOX CULV (5 FT X 4 FT)	LF	353	\$ 250.00	\$ 88,250.00	\$ 340.00	\$ 120,020.00	\$ 375.00	\$ 132,375.00	\$ 345.00	\$ 121,785.00	\$ 162.23	\$ 57,267.19
123	464 2005	RC PIPE (CL III)(24 IN)	LF	180.8	\$ 55.00	\$ 9,944.00	\$ 115.00	\$ 20,792.00	\$ 85.00	\$ 15,368.00	\$ 90.00	\$ 16,272.00	\$ 170.56	\$ 30,837.25
124	464 2007	RC PIPE (CL III)(30 IN)	LF	190.4	\$ 65.00	\$ 12,376.00	\$ 140.00	\$ 26,656.00	\$ 110.00	\$ 20,944.00	\$ 110.00	\$ 20,944.00	\$ 169.02	\$ 32,181.41
125	464 2009	RC PIPE (CL III)(36 IN)	LF	484.8	\$ 90.00	\$ 43,632.00	\$ 176.00	\$ 85,324.80	\$ 135.00	\$ 65,448.00	\$ 175.00	\$ 84,840.00	\$ 151.40	\$ 73,398.72
126	465 4126	INLET (COMPL)(PAZD)(FG)(5FTX5FT-4FTX4FT)	EA	1	\$ 5,000.00	\$ 5,000.00	\$ 6,400.00	\$ 6,400.00	\$ 10,500.00	\$ 10,500.00	\$ 6,400.00	\$ 6,400.00	\$ 18,926.00	\$ 18,926.00
127	466	HEADWALL	EA	1	\$ 5,000.00	\$ 5,000.00	\$ 3,600.00	\$ 3,600.00	\$ 7,500.00	\$ 7,500.00	\$ 4,200.00	\$ 4,200.00	\$ 10,526.00	\$ 10,526.00
128	466 2007	WINGWALL (SW-0)(HW=5FT)	EA	3	\$ 8,000.00	\$ 24,000.00	\$ 10,500.00	\$ 31,500.00	\$ 18,000.00	\$ 54,000.00	\$ 11,700.00	\$ 35,100.00	\$ 7,930.00	\$ 23,790.00
129	467 2211	SET (TY II)(24 IN)(RCP)(3:1)(C)	EA	8	\$ 1,000.00	\$ 8,000.00	\$ 1,000.00	\$ 8,000.00	\$ 4,000.00	\$ 32,000.00	\$ 1,150.00	\$ 9,200.00	\$ 3,080.75	\$ 24,646.00
130	467 2213	SET (TY II)(30 IN)(RCP)(3:1)(C)	EA	3	\$ 1,250.00	\$ 3,750.00	\$ 1,200.00	\$ 3,600.00	\$ 4,500.00	\$ 13,500.00	\$ 1,760.00	\$ 5,280.00	\$ 4,532.00	\$ 13,596.00
131	467 2215	SET (TY II)(36 IN)(RCP)(3:1)(C)	EA	5	\$ 2,000.00	\$ 10,000.00	\$ 1,750.00	\$ 8,750.00	\$ 5,000.00	\$ 25,000.00	\$ 2,365.00	\$ 11,825.00	\$ 3,610.20	\$ 18,051.00
132	496 2007	REMOV STR (PIPE)	LF	137	\$ 15.00	\$ 2,055.00	\$ 40.00	\$ 5,480.00	\$ 9.00	\$ 1,233.00	\$ 16.50	\$ 2,260.50	\$ 27.03	\$ 3,703.11
133	500 2001	MOBILIZATION	LS	1	\$ 123,325.30	\$ 123,325.30	\$ 83,448.00	\$ 83,448.00	\$ 149,000.00	\$ 149,000.00	\$ 65,000.00	\$ 65,000.00	\$ 53,601.00	\$ 53,601.00
134	502 2001	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	7	\$ 2,000.00	\$ 14,000.00	\$ 2,000.00	\$ 14,000.00	\$ 1,000.00	\$ 7,000.00	\$ 1,150.00	\$ 8,050.00	\$ 3,371.43	\$ 23,600.01
135	506 6002	ROCK FILTER DAMS (INSTALL)(TY 2)	LF	167	\$ 25.00	\$ 4,175.00	\$ 25.00	\$ 4,175.00	\$ 24.00	\$ 4,008.00	\$ 28.00	\$ 4,676.00	\$ 48.79	\$ 8,147.93
136	506 6003	ROCK FILTER DAMS (INSTALL)(TY 3)	LF	80	\$ 55.00	\$ 4,400.00	\$ 51.00	\$ 4,080.00	\$ 50.00	\$ 4,000.00	\$ 49.00	\$ 3,920.00	\$ 92.81	\$ 7,424.80
137	506 6011	ROCK FILTER DAMS (REMOVE)	LF	247	\$ 7.00	\$ 1,729.00	\$ 2.00	\$ 494.00	\$ 7.00	\$ 1,729.00	\$ 15.00	\$ 3,705.00	\$ 29.00	\$ 7,163.00
138	506 6020	CONSTRUCTION EXITS (INSTALL)(TY 1)	SY	167	\$ 14.00	\$ 2,338.00	\$ 10.00	\$ 1,670.00	\$ 10.00	\$ 1,670.00	\$ 18.00	\$ 3,006.00	\$ 16.77	\$ 2,800.59
139	506 6024	CONSTRUCTION EXITS (REMOVE)	SY	167	\$ 7.00	\$ 1,169.00	\$ 3.00	\$ 501.00	\$ 5.00	\$ 835.00	\$ 9.00	\$ 1,503.00	\$ 11.38	\$ 1,900.46
140	506 6038	TEMPORARY SEDIMENT CONTROL FENCE (INSTALL)	LF	8800	\$ 3.00	\$ 26,400.00	\$ 3.00	\$ 26,400.00	\$ 2.00	\$ 17,600.00	\$ 2.50	\$ 22,000.00	\$ 2.91	\$ 25,608.00
141	506 6039	TEMPORARY SEDIMENT CONTROL FENCE (REMOVE)	LF	8800	\$ 0.50	\$ 4,400.00	\$ 0.25	\$ 2,200.00	\$ 0.25	\$ 2,200.00	\$ 0.25	\$ 2,200.00	\$ 1.47	\$ 12,936.00
142	531 2006	CURB RAMPS (TY 2)	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,000.00	\$ 1,000.00	\$ 12,755.00	\$ 12,755.00
143	531 2010	CURB RAMPS (TY 7)	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,000.00	\$ 1,000.00	\$ 12,755.00	\$ 12,755.00
144	531 2015	CONC SIDEWALKS (4")	SY	686	\$ 40.00	\$ 27,440.00	\$ 54.00	\$ 37,044.00	\$ 47.25	\$ 32,413.50	\$ 49.50	\$ 33,957.00	\$ 89.68	\$ 61,520.48
145	531 2024	CONC SIDEWALKS (5")	SY	8248	\$ 45.00	\$ 371,160.00	\$ 49.00	\$ 404,152.00	\$ 51.75	\$ 426,834.00	\$ 52.00	\$ 428,896.00	\$ 79.30	\$ 654,066.40
146	618 2016	CONDT (PVC)(SCHD 40) (1 1/2")	LF	6222	\$ 8.00	\$ 49,776.00	\$ 17.00	\$ 105,774.00	\$ 5.00	\$ 31,110.00	\$ 17.50	\$ 108,885.00	\$ 13.21	\$ 82,192.62
147	618 2034	CONDT (PVC)(SCHD 80)(2")	LF	120	\$ 8.00	\$ 960.00	\$ 22.00	\$ 2,640.00	\$ 10.00	\$ 1,200.00	\$ 22.25	\$ 2,670.00	\$ 102.55	\$ 12,306.00
148	620 2003	ELEC CONDR (NO. 2) BARE	LF	6720	\$ 2.20	\$ 14,784.00	\$ 3.30	\$ 22,176.00	\$ 3.00	\$ 20,160.00	\$ 3.20	\$ 21,504.00	\$ 4.38	\$ 29,433.60
149	620 2004	ELEC CONDR (NO. 2) INSULATED	LF	13440	\$ 2.80	\$ 37,632.00	\$ 4.15	\$ 55,776.00	\$ 4.00	\$ 53,760.00	\$ 4.00	\$ 53,760.00	\$ 2.94	\$ 39,513.60

					Bidder		Location		Guarantee: BB-BD BOND CC-CASHIERS CHECK CTC-CERT. CHECK					
					Engineer's Estimate		RM Rodriguez Construction, LP		Westar Construction, Inc.		TTG Utilities, LP		Unified Services of Texas, Inc.	
							5116 S. General Bruce Dr. Suite A Temple, TX 76502		4500 Williams Dr. Suite 212 Georgetown, TX 78633		231 Memorial Dr. Gatesville, TX 76528		2110 Greenbriar Dr. Southlake, TX 76092	
							5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND	
ITEM NO.	TECH SPEC	DESCRIPTION	UNIT	QTY	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost
150	620 2013	ELEC CONDR (NO. 10) BARE	LF	447	\$ 1.10	\$ 491.70	\$ 0.60	\$ 268.20	\$ 3.00	\$ 1,341.00	\$ 0.65	\$ 290.55	\$ 25.40	\$ 11,353.80
151	620 2014	ELEC CONDR (NO. 10) INSULATED	LF	1341	\$ 1.30	\$ 1,743.30	\$ 1.20	\$ 1,609.20	\$ 4.00	\$ 5,364.00	\$ 1.20	\$ 1,609.20	\$ 8.69	\$ 11,653.29
152	624 2007	GROUND BOX TY A (122311)	EA	3	\$ 750.00	\$ 2,250.00	\$ 800.00	\$ 2,400.00	\$ 1,000.00	\$ 3,000.00	\$ 765.00	\$ 2,295.00	\$ 1,369.33	\$ 4,107.99
153	628	ELC SRV TY A 240/480 100	EA	1	\$ 7,000.00	\$ 7,000.00	\$ 7,400.00	\$ 7,400.00	\$ 15,000.00	\$ 15,000.00	\$ 7,610.00	\$ 7,610.00	\$ 7,058.00	\$ 7,058.00
154	COK 5001	WOODEN WEIR CURB INLET PROTECTION	EA	2	\$ 250.00	\$ 500.00	\$ 140.00	\$ 280.00	\$ 250.00	\$ 500.00	\$ 215.00	\$ 430.00	\$ 2,054.00	\$ 4,108.00
155	COK 5002	CONCRETE CURB AND GUTTER	LF	82	\$ 25.00	\$ 2,050.00	\$ 14.00	\$ 1,148.00	\$ 35.00	\$ 2,870.00	\$ 27.00	\$ 2,214.00	\$ 51.80	\$ 4,247.60
156	COK 5003	CURB INLET (10')	EA	2	\$ 6,000.00	\$ 12,000.00	\$ 5,000.00	\$ 10,000.00	\$ 9,700.00	\$ 19,400.00	\$ 4,550.00	\$ 9,100.00	\$ 7,424.00	\$ 14,848.00
157	COK 5003	CURB INLET (15')	EA	2	\$ 7,500.00	\$ 15,000.00	\$ 7,500.00	\$ 15,000.00	\$ 13,000.00	\$ 26,000.00	\$ 5,165.00	\$ 10,330.00	\$ 14,845.00	\$ 29,690.00
158	COA 6001	ENCASEMENT PIPE 36" DIA, TYPE SPLIT STEEL	LF	88	\$ 500.00	\$ 44,000.00	\$ 250.00	\$ 22,000.00	\$ 200.00	\$ 17,600.00	\$ 175.00	\$ 15,400.00	\$ 89.63	\$ 7,887.44
159	SS1.1	ADJUST WATER VALVE COVER TO GRADE	EA	3	\$ 200.00	\$ 600.00	\$ 500.00	\$ 1,500.00	\$ 400.00	\$ 1,200.00	\$ 315.00	\$ 945.00	\$ 1,869.33	\$ 5,607.99
160	SS1.1	ADJUST WATER FLUSH VALVE COVER TO GRADE	EA	2	\$ 200.00	\$ 400.00	\$ 500.00	\$ 1,000.00	\$ 750.00	\$ 1,500.00	\$ 500.00	\$ 1,000.00	\$ 2,304.00	\$ 4,608.00
161	SS1.1	ADJUST MANHOLE TO GRADE	EA	1	\$ 500.00	\$ 500.00	\$ 750.00	\$ 750.00	\$ 825.00	\$ 825.00	\$ 600.00	\$ 600.00	\$ 3,608.00	\$ 3,608.00
162	SS1.1	ADJUST FIRE HYDRANT TO GRADE	EA	1	\$ 500.00	\$ 500.00	\$ 750.00	\$ 750.00	\$ 1,100.00	\$ 1,100.00	\$ 900.00	\$ 900.00	\$ 6,591.00	\$ 6,591.00
163	SS1.2	LIGHTING (POLES, FIXTURES, FOUNDATIONS)	EA	60	\$ 4,500.00	\$ 270,000.00	\$ 3,000.00	\$ 180,000.00	\$ 3,200.00	\$ 192,000.00	\$ 6,645.00	\$ 398,700.00	\$ 3,599.00	\$ 215,940.00
164	S044313	TRAILHEAD GATEWAY MONUMENT	EA	1	\$ 6,500.00	\$ 6,500.00	\$ 12,000.00	\$ 12,000.00	\$ 45,000.00	\$ 45,000.00	\$ 24,550.00	\$ 24,550.00	\$ 17,091.00	\$ 17,091.00
165	S044313	BOULDER PLACEMENT AND INSTALLATION	TON	75	\$ 420.00	\$ 31,500.00	\$ 185.00	\$ 13,875.00	\$ 250.00	\$ 18,750.00	\$ 95.00	\$ 7,125.00	\$ 267.00	\$ 20,025.00
166	S057000	TRAILHEAD INFORMATIVE SIGNAGE	EA	1	\$ 4,000.00	\$ 4,000.00	\$ 15,000.00	\$ 15,000.00	\$ 28,000.00	\$ 28,000.00	\$ 19,800.00	\$ 19,800.00	\$ 14,091.00	\$ 14,091.00
167	S057000	WAYFINDING/DISTANCE MARKER SIGNAGE	EA	4	\$ 1,000.00	\$ 4,000.00	\$ 2,100.00	\$ 8,400.00	\$ 3,500.00	\$ 14,000.00	\$ 450.00	\$ 1,800.00	\$ 2,472.75	\$ 9,891.00
168	S129300	BENCH	EA	3	\$ 1,500.00	\$ 4,500.00	\$ 750.00	\$ 2,250.00	\$ 3,300.00	\$ 9,900.00	\$ 2,660.00	\$ 7,980.00	\$ 2,997.00	\$ 8,991.00
169	S129300	BICYCLE RACK	EA	1	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 1,700.00	\$ 1,700.00	\$ 1,460.00	\$ 1,460.00	\$ 5,466.00	\$ 5,466.00
170	S129300	TRASH RECEPTACLE	EA	2	\$ 550.00	\$ 1,100.00	\$ 750.00	\$ 1,500.00	\$ 2,100.00	\$ 4,200.00	\$ 1,375.00	\$ 2,750.00	\$ 3,299.50	\$ 6,599.00
171	S321440	TRAILHEAD FLAGSTONE PAVING	SY	55	\$ 80.00	\$ 4,400.00	\$ 108.00	\$ 5,940.00	\$ 100.00	\$ 5,500.00	\$ 127.00	\$ 6,985.00	\$ 282.56	\$ 15,540.80
172	S321440	FLAGSTONE PAVING	SF	204	\$ 15.00	\$ 3,060.00	\$ 12.00	\$ 2,448.00	\$ 15.00	\$ 3,060.00	\$ 12.65	\$ 2,580.60	\$ 37.75	\$ 7,701.00
173	S329100	BURR OAK (30 GAL)	EA	9	\$ 400.00	\$ 3,600.00	\$ 1,200.00	\$ 10,800.00	\$ 750.00	\$ 6,750.00	\$ 640.00	\$ 5,760.00	\$ 1,652.33	\$ 14,870.97
174	S329100	APACHE PLATEAU SEED MIX	SF	75600	\$ 0.10	\$ 7,560.00	\$ 0.50	\$ 37,800.00	\$ 0.60	\$ 45,360.00	\$ 0.11	\$ 8,316.00	\$ 0.17	\$ 12,852.00
175	S329100	HYDROMULCH BERMUDA	SY	2222	\$ 0.20	\$ 444.40	\$ 0.55	\$ 1,222.10	\$ 2.00	\$ 4,444.00	\$ 0.55	\$ 1,222.10	\$ 2.53	\$ 5,621.66
176	S336000	TRAILHEAD CONCRETE PAVING (5" CONCRETE WITH 6" LIMESTONE BASE AND EXCAVATION)	SY	90	\$ 80.00	\$ 7,200.00	\$ 59.00	\$ 5,310.00	\$ 100.00	\$ 9,000.00	\$ 108.00	\$ 9,720.00	\$ 166.23	\$ 14,960.70
177	S336000	CONCRETE PAVING (5" CONCRETE WITH 6" LIMESTONE BASE AND EXCAVATION)	SY	83	\$ 95.00	\$ 7,885.00	\$ 59.00	\$ 4,897.00	\$ 100.00	\$ 8,300.00	\$ 109.00	\$ 9,047.00	\$ 169.63	\$ 14,079.29
<b>BASE BID 1 (KILLEEN-FT HOOD REGIONAL TRAIL (SEGMENT 3)) TOTAL</b>					\$	1,857,107.45	\$	2,109,000.00	\$	2,292,731.60	\$	2,293,940.17	\$	2,769,228.13
					CORRECTED AMOUNT BASED ON UNIT PRICE		CORRECTED AMOUNT BASED ON UNIT PRICE		CORRECTED AMOUNT BASED ON UNIT PRICE		CORRECTED AMOUNT BASED ON UNIT PRICE		CORRECTED AMOUNT BASED ON UNIT PRICE	

					<b>Bidder</b>	<b>Engineer's Estimate</b>	<b>RM Rodriguez Construction, LP</b>	<b>Westar Construction, Inc.</b>	<b>TTG Utilities, LP</b>	<b>Unified Services of Texas, Inc.</b>
					<b>Location</b>		<b>5116 S. General Bruce Dr. Suite A Temple, TX 76502</b>	<b>4500 Williams Dr. Suite 212 Georgetown, TX 78633</b>	<b>231 Memorial Dr. Gatesville, TX 76528</b>	<b>2110 Greenbriar Dr. Southlake, TX 76092</b>
							<b>5% BID BOND</b>	<b>5% BID BOND</b>	<b>5% BID BOND</b>	<b>5% BID BOND</b>
<b>Guarantee: BB-BD BOND CC-CASHIERS CHECK CTC-CERT. CHECK</b>										

ITEM NO.	TECH SPEC	DESCRIPTION	UNIT	QTY	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost	Unit Cost	Bid Cost
<b>ADD ALT 1 (Neighborhood Connection #2)</b>														
200	104 2015	REMOVING CONC (SIDEWALKS)	SY	6	\$ 8.00	\$ 48.00	\$ 40.00	\$ 240.00	\$ 15.00	\$ 90.00	\$ 16.00	\$ 96.00		
201	104 2022	REMOVING CONC (CURB AND GUTTER)	LF	20	\$ 12.00	\$ 240.00	\$ 19.00	\$ 380.00	\$ 15.00	\$ 300.00	\$ 5.00	\$ 100.00		
202	104 2044	REMOVING CONC (FLUME)	SY	221	\$ 15.00	\$ 3,315.00	\$ 40.00	\$ 8,840.00	\$ 13.50	\$ 2,983.50	\$ 29.00	\$ 6,409.00		
203	110 2002	EXCAVATION (CHANNEL)	CY	400	\$ 7.00	\$ 2,800.00	\$ 15.00	\$ 6,000.00	\$ 8.00	\$ 3,200.00	\$ 10.00	\$ 4,000.00		
204	160 2003	FURNISHING AND PLACING TOPSOIL (4")	SY	1710	\$ 1.00	\$ 1,710.00	\$ 2.00	\$ 3,420.00	\$ 4.00	\$ 6,840.00	\$ 2.50	\$ 4,275.00		
205	164 2003	BROADCAST SEED (PERM) (RURAL) (CLAY)	SY	1710	\$ 0.35	\$ 598.50	\$ 0.20	\$ 342.00	\$ 0.55	\$ 940.50	\$ 0.65	\$ 1,111.50		
206	168 2001	VEGETATIVE WATERING	MG	8.6	\$ 10.00	\$ 86.00	\$ 10.00	\$ 86.00	\$ 100.00	\$ 860.00	\$ 49.00	\$ 421.40		
207	402 2001	TRENCH EXCAVATION PROTECTION	LF	239.7	\$ 2.50	\$ 599.25	\$ 3.00	\$ 719.10	\$ 2.25	\$ 539.33	\$ 3.45	\$ 826.97		
208	464 2009	RC PIPE (CL III) (36 IN)	LF	239.7	\$ 90.00	\$ 21,573.00	\$ 180.00	\$ 43,146.00	\$ 135.00	\$ 32,359.50	\$ 195.00	\$ 46,741.50		
209	467 2215	SET (TY II) (36 IN) (RCP) (3:1) (C)	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,750.00	\$ 1,750.00	\$ 5,000.00	\$ 5,000.00	\$ 2,365.00	\$ 2,365.00		
210	502 2001	BARRICADES, SIGNS, AND TRAFFIC HANDLING	MO	0.33	\$ 2,000.00	\$ 660.00	\$ 1,100.00	\$ 363.00	\$ 1,000.00	\$ 330.00	\$ 2,300.00	\$ 759.00		
211	506 6038	TEMPORARY SEDIMENT CONTROL FENCE (INSTALL)	LF	290	\$ 3.00	\$ 870.00	\$ 3.00	\$ 870.00	\$ 2.00	\$ 580.00	\$ 2.50	\$ 725.00		
212	506 6039	TEMPORARY SEDIMENT CONTROL FENCE (REMOVE)	LF	290	\$ 0.50	\$ 145.00	\$ 0.25	\$ 72.50	\$ 0.25	\$ 72.50	\$ 0.25	\$ 72.50		
213	531 2015	CONC SIDEWALKS (4")	SY	222	\$ 40.00	\$ 8,880.00	\$ 45.00	\$ 9,990.00	\$ 47.25	\$ 10,489.50	\$ 49.50	\$ 10,989.00		
214	COK 5001	WOODEN WEIR CURB INLET PROTECTION	EA	1	\$ 250.00	\$ 250.00	\$ 140.00	\$ 140.00	\$ 250.00	\$ 250.00	\$ 215.00	\$ 215.00		
215	COK 5002	CONCRETE CURB AND GUTTER	LF	20	\$ 25.00	\$ 500.00	\$ 20.00	\$ 400.00	\$ 35.00	\$ 700.00	\$ 27.00	\$ 540.00		
216	COK 5003	CURB INLET (15')	EA	1	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 13,000.00	\$ 13,000.00	\$ 5,200.00	\$ 5,200.00		
217	S129300	BENCH	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 1,020.00	\$ 1,020.00	\$ 3,300.00	\$ 3,300.00	\$ 2,665.00	\$ 2,665.00		
218	S129300	TRASH RECEPTACLE	EA	1	\$ 550.00	\$ 550.00	\$ 1,021.40	\$ 1,021.40	\$ 2,100.00	\$ 2,100.00	\$ 1,375.00	\$ 1,375.00		
219	S321440	FLAGSTONE PAVING	SF	200	\$ 15.00	\$ 3,000.00	\$ 12.00	\$ 2,400.00	\$ 15.00	\$ 3,000.00	\$ 12.65	\$ 2,530.00		
220	S336000	CONCRETE PAVING (5" CONCRETE WITH 6" LIMESTONE BASE AND EXCAVATION)	SY	55	\$ 95.00	\$ 5,225.00	\$ 60.00	\$ 3,300.00	\$ 100.00	\$ 5,500.00	\$ 109.00	\$ 5,995.00		
<b>ADD ALT 1 (NEIGHBORHOOD CONNECTION #2) TOTAL</b>						\$ 62,049.75		\$ 92,000.00		\$ 92,434.83		\$ 97,411.87		
<b>TOTAL BASE BID + ADD ALT 1</b>						\$ 1,919,157.20		\$ 2,201,000.00		\$ 2,385,166.43		\$ 2,391,352.04		
						CORRECTED AMOUNT BASED ON UNIT PRICE		CORRECTED AMOUNT BASED ON UNIT PRICE		CORRECTED AMOUNT BASED ON UNIT PRICE		CORRECTED AMOUNT BASED ON UNIT PRICE		

NO ADD ALT 1 BID SUBMITTED

<b>ADD ALT 2 (CODY POE SIDEWALK CONNECTION)</b>														
300	110 2001	EXCAVATION (ROADWAY)	CY	250	\$ 7.00	\$ 1,750.00	\$ 12.00	\$ 3,000.00	\$ 8.00	\$ 2,000.00	\$ 10.00	\$ 2,500.00		
301	132 2003	EMBANKMENT (FINAL)(ORD COMP)(TYP B)	CY	60	\$ 8.00	\$ 480.00	\$ 15.00	\$ 900.00	\$ 7.00	\$ 420.00	\$ 6.00	\$ 360.00		
302	450 2075	RAIL (HANDRAIL) (TY D)	LF	63.9	\$ 100.00	\$ 6,390.00	\$ 190.00	\$ 12,141.00	\$ 133.00	\$ 8,498.70	\$ 210.00	\$ 13,419.00		
303	502 2001	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	0.33	\$ 2,000.00	\$ 660.00	\$ 1,100.00	\$ 363.00	\$ 1,000.00	\$ 330.00	\$ 2,250.00	\$ 742.50		
304	531 2015	CONC SIDEWALKS (4")	SY	436	\$ 40.00	\$ 17,440.00	\$ 45.00	\$ 19,620.00	\$ 47.50	\$ 20,710.00	\$ 49.50	\$ 21,582.00		
<b>ADD ALT 2 (CODY POE SIDEWALK CONNECTION) TOTAL</b>						\$ 26,720.00		\$ 36,024.00		\$ 31,958.70		\$ 38,603.50		
<b>TOTAL BASE BID + ADD ALT 1 + ADD ALT 2</b>						\$ 88,769.75		\$ 2,237,024.00		\$ 2,417,125.13		\$ 2,429,955.54		
						CORRECTED AMOUNT BASED ON UNIT PRICE								

NO ADD ALT 2 BID SUBMITTED

<b>ADD ALT 3 (ADDITIONAL LANDSCAPE AMENITIES)</b>														
400	S044313	TRAILHEAD GATEWAY MONUMENT	EA	1	\$ 6,500.00	\$ 6,500.00	\$ 12,000.00	\$ 12,000.00	\$ 45,000.00	\$ 45,000.00	\$ 24,550.00	\$ 24,550.00		
401	S057000	TRAILHEAD INFORMATIVE SIGNAGE	EA	1	\$ 4,000.00	\$ 4,000.00	\$ 15,000.00	\$ 15,000.00	\$ 28,000.00	\$ 28,000.00	\$ 19,880.00	\$ 19,880.00		
402	S057000	TRAILHEAD TRELLIS	EA	1	\$ 30,000.00	\$ 30,000.00	\$ 43,690.00	\$ 43,690.00	\$ 45,000.00	\$ 45,000.00	\$ 19,000.00	\$ 19,000.00		
403	S129300	TRASH RECEPTACLE	EA	1	\$ 550.00	\$ 550.00	\$ 1,020.00	\$ 1,020.00	\$ 2,100.00	\$ 2,100.00	\$ 1,375.00	\$ 1,375.00		
404	S321440	TRAILHEAD FLAGSTONE PAVING	SY	26	\$ 80.00	\$ 2,080.00	\$ 120.00	\$ 3,120.00	\$ 100.00	\$ 2,600.00	\$ 126.00	\$ 3,276.00		
405	S336000	TRAILHEAD CONCRETE PAVING (5" CONCRETE WITH 6" LIMESTONE BASE AND EXCAVATION)	SY	31	\$ 80.00	\$ 2,480.00	\$ 70.00	\$ 2,170.00	\$ 100.00	\$ 3,100.00	\$ 110.00	\$ 3,410.00		
<b>ADD ALT 3 (ADDITIONAL LANDSCAPE AMENITIES) TOTAL</b>						\$ 45,610.00		\$ 77,000.00		\$ 125,800.00		\$ 71,491.00		
<b>TOTAL BASE BID + ADD ALT 1 + ADD ALT 2 + ADD ALT 3</b>						\$ 1,991,487.20		\$ 2,314,024.00		\$ 2,542,925.13		\$ 2,501,446.54		
						CORRECTED AMOUNT BASED ON UNIT PRICE								

NO ADD ALT 3 BID SUBMITTED



# City of Killeen

## Legislation Details

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**File #:** PH-15-028B    **Version:** 1    **Name:** Fund 348 Budget Amendment  
**Type:** Ordinance    **Status:** Public Hearings  
**File created:** 6/23/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing Certificate of Obligation 2014 Fund revenue accounts by \$256,000 and expenditure accounts by \$659,675, to fund Killeen Fort Hood Regional Trail - Segment 3 (Westside Trail) project.  
**Sponsors:** Public Works Department, Transportation Division, Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
7/7/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Budget Amendment to Fund Killeen Fort Hood Regional Trail, Segment 3**

### ORIGINATING DEPARTMENT

**Public Works**

### BACKGROUND INFORMATION

In cooperation with the Federal Highway Administration, the Texas Highway Commission issued a call for project nominations for the statewide Transportation Enhancement Program (TE) on August 30, 2012. The call began on September 14, 2012, and closed on November 16, 2012. In two previous project calls, the City of Killeen (COK) had secured funding for two (2) hike and bike trails. Those projects (CCM/R 12-091R) have been extremely successful and beneficial to the City of Killeen.

On July 26, 2013, the City received notification that it had been selected to receive \$1,455,498 for a TE award. The City of Killeen's proposed project ranked fourth out of 81 prospective projects that were submitted to the Texas Department of Transportation (TxDOT). On February 11, 2014, the City Council authorized a reimbursement resolution (CCM/R 14-023R) which included funding for the Westside Trail (Killeen Fort Hood Regional Trail Segment 3) project. On March 25, 2014, City Council authorized entering in an advance funding agreement with TxDOT for the TE award as documented by the Transportation Enhancement Program (CCM/R 14-035R).

### DISCUSSION/CONCLUSION

The City of Killeen approves the CIP budget along with the Annual Budget and Plan of Municipal Services in September on an annual basis. Staff provides estimates based upon the best available information at the time, and the budget periodically needs to be amended as more accurate information becomes available. Changes in scope, schedules, or the project having remaining funds due to favorable bids or not enough funds due to unforeseen events requires that a budget amendment be approved by City Council. City Staff is recommending the City Council award a construction contract to the lowest responsible bidder meeting the specifications, RM Rodriguez Construction, LP, in the amount of \$2,109,000. Additional funds are needed to cover related expenditures and change orders for the Killeen Fort Hood Regional Trail - Segment 3 (Westside Trail) project.

### FISCAL IMPACT

Funds in the amount of \$256,000 will be transferred into Fund 348 via a residual equity transfer. Due to timing of the budgeting process, it was uncertain what amounts would be expended out of the 348 fund during FY 13-14; therefore, there is currently a reconciliation difference between the two budgets that needs to be corrected. This budget amendment consolidates the funding into the Fund 348.

**Revenues**

		<b>Original</b>	<b>Budget</b>	<b>Amended</b>
<b>Account</b>	<b>Description</b>	<b>Budget</b>	<b>Increase</b>	<b>Budget</b>
348-0000-371.93-47	Transfer In (347)	\$0	\$256,000	\$256,000

**Expenditures**

		<b>Revised</b>	<b>Budget</b>	<b>Amended</b>
<b>Account</b>	<b>Description</b>	<b>Budget</b>	<b>Increase</b>	<b>Budget</b>
348-3490-800-58-81	Westside Trail	\$1,803,888	\$659,675	\$2,463,543

**RECOMMENDATION**

Staff recommends that City Council approve the attached ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services increasing capital project fund revenue accounts by \$256,000 and expenditures accounts by \$659,675.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING CERTIFICATE OF OBLIGATION 2014 FUND REVENUE ACCOUNTS BY \$256,000 AND EXPENDITURES ACCOUNTS BY \$659,675; 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, 2014, to September 30, 2015, 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 Certificate of Obligation 2011 Fund accounts by adding funds for the Stagecoach Road Reconstruction Phase II and Elms Road Extension projects; and

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

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

**SECTION I.** That Ordinance 14-067 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2014, to September 30, 2015, be amended as to the portion of said budget as follows:

**Revenues**

Account Number	Original Budget	Budget Increase	Amended Budget
348-0000-371-93-47	\$0	\$256,000	\$256,000

**Expenditures**

Account Number	Revised Budget	Budget Increase	Amended Budget
348-3490-800-58-81	\$1,803,888	\$659,675	\$2,463,563

**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 14th day of July, 2015, at which meeting 1a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, 551.001 *et seq.*

**APPROVED**

\_\_\_\_\_  
Scott Cospers, MAYOR

**ATTEST:**

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

**APPROVED AS TO FORM:**

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