



# City of Killeen

## Agenda City Council

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Tuesday, March 10, 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	___ Elizabeth Blackstone
___ Steve Harris	___ Terry Clark
___ Jose Segarra	___ Wayne Gilmore
___ Juan Rivera	___ Jonathan Okray

### Invocation

### Pledge of Allegiance

### Approval of Agenda

### Citizens Petitions

*Comments should be limited to three minutes.*

### Consent Agenda

[CA-15-028](#) Consider minutes of Regular City Council Meeting of February 24, 2015.

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

[CA-15-029](#) Consider a memorandum/resolution awarding Bid No. 15-10 to D.I.J. Construction, Inc. for thermoplastic materials and to Maxwell Products, Inc. for crack seal material.

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

[CA-15-030](#) Consider a memorandum/resolution rescheduling the regular City Council meeting of March 24, 2015.

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

[CA-15-031](#) Consider minutes of Special City Council Meeting of March 3, 2015.

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

### Public Hearings/Ordinances

[PH-15-014](#) 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 2011 fund accounts by \$486,503 to finance Stagecoach Road Reconstruction Phase II and Elms Road Extension.

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

## Ordinances / Resolutions

[OR-15-004](#) Consider a memorandum/resolution amending the City Council Rules of Procedure and Protocol-amending agenda order. (1st of 2 Readings)

**Attachments:** [Rules of Procedure & Protocol](#)  
[Council Memorandum](#)

## 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 March 5, 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.*

- *Girl Scouts Women of Distinction Banquet, March 12, 2015, 6:30 p.m., Central Texas College - Anderson Campus Center*
- *NAACP Freedom Fund Banquet, March 14, 2015, 6:00 p.m., Club Hood*
- *LULAC Banquet, April 18, 2015, 6:30 p.m., Phantom Warrior Club*

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



# City of Killeen

## Legislation Details

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**File #:** CA-15-028    **Version:** 1    **Name:** Minutes of February 24, 2015 Regular City Council Meeting  
**Type:** Minutes    **Status:** Consent Agenda  
**File created:** 2/12/2015    **In control:** City Council  
**On agenda:** 3/10/2015    **Final action:**  
**Title:** Consider minutes of Regular City Council Meeting of February 24, 2015.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
3/3/2015	1	City Council Workshop		

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
February 24, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

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

Councilmember Rivera gave the invocation, and Councilmember Gilmore led everyone in the pledge of allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written pulling CA-022 & CA-027 for separate consideration. Motion was seconded by Councilmember Gilmore. The motion carried unanimously.*

### **Consent Agenda**

**CA-15-023** Consider minutes of Regular City Council Meeting of February 10, 2015.  
No changes.

**CA-15-024** Consider a memorandum/resolution authorizing the procurement of replacement computers for various City Departments.  
**Staff comments:** No discussion

**CA-15-025** Consider a memorandum/resolution awarding Bid No. 15-08 for annual print shop supplies.  
**Staff comments:** No discussion

**CA-15-026** Consider a memorandum/resolution authorizing the City Manager to execute an Election Services Contract with Bell County for election services and computer software usage.  
**Staff comments:** No discussion

*Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 023 through 026, as presented. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

**CA-15-022** Consider a memorandum/resolution supporting Bell County's efforts to obtain a hotel occupancy tax for support of the Bell County Exposition Center.

**Staff comments:** Glenn Morrison

Mr. Morrison gave a brief overview and history.

*Motion was made by Councilmember Rivera to approve CA-022. Motion was seconded by Councilmember Gilmore. Motion carried 6 to 1 with Mayor Pro-Tem Blackstone in opposition.*

**CA-15-027** Consider a memorandum/resolution adopting the 2015 Solid Waste Master Plan and Rate Study.

**Staff comments:** Michael Cleghorn

City staff recommends that the City Council adopt the 2015 Solid Waste Master Plan and Rate Study.

Councilmember Okray stated for the record that he would like to see this resolution postponed until this issue can be further discussed in a workshop regarding a city wide recycle program.

*Motion was made by Councilmember Segarra to approve CA-027. Motion was seconded by Councilmember Rivera. Motion carried 5 to 2 with Councilmember Harris and Councilmember Okray in opposition.*

## **Public Hearings / Ordinances**

**PH-15-011** 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 the Solid Waste Fund accounts by \$1,830,375 to purchase solid waste vehicles.

The City Secretary read the caption of the 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 THE SOLID WASTE FUND ACCOUNTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Karen Evans

FY 2015 funds were budgeted to initiate these purchases for a total of \$500,000. The budget must be increased by the remaining purchase price of \$1,830,375. Staff recommends that the City Council approve this ordinance amending the FY 2015 Municipal Operating budget by \$1,830,375.

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

*Motion was made by Councilmember Okray to approve PH-011. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried unanimously.*

**PH-15-012A** 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 the

Photo Red Light Fund accounts by \$238,078 to fund video/mobile data terminal systems.

The City Secretary read the caption of the 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 THE PHOTO RED LIGHT ENFORCEMENT ACCOUNTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Karen Evans

The budget must be increased by \$238,078 to fund video/mobile data terminals at a total cost of \$458,489. Staff recommends that the City Council approve this ordinance amending the FY 2015 Municipal Operating budget by \$238,078.

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

*Motion was made by Councilmember Rivera to approve PH-012A. Motion was seconded by Councilmember Gilmore. Motion carried 6 to 1 with Councilmember Okray in opposition.*

**PH-15-012B** Consider a memorandum/resolution authorizing the purchase and replacement of police unit computers from L3 Communications, through a Cooperative Purchasing Network.

**Staff comments:** Mr. Moore

Funds for this replacement plan (estimated at \$458,489.00) will be provided through the Photo Red Light Enforcement account budget. The IT Department staff recommends that the City Council approve the purchase of MDT/Video systems for the 47 units for the 2014-2015 fiscal year from L3 Communications, and that the City Manager is authorized to execute any and all change orders in compliance with state law.

*Motion was made by Councilmember Rivera to approve PH-012B. Motion was seconded by Councilmember Clark. Motion carried 6 to 1 with Councilmember Okray in opposition.*

**PH-15-013A** 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 the General Fund accounts by \$50,000 to fund façade grants.

The City Secretary read the caption of the 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 THE GENERAL FUND ACCOUNTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Karen Evans

The FY 2015 expenditure budget must be increased by \$50,000 to fund the façade improvement grant program. Staff recommends that the City Council approve the ordinance amending the FY 2015 Municipal Operating budget by \$50,000.

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

*Motion was made by Councilmember Clark to approve PH-013A. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-15-013B** Consider a memorandum/resolution supporting the continued revitalization efforts for Downtown Killeen.

**Staff comments:** Charlotte Humpherys

Staff recommends that the City Council adopt this resolution to continue the Facade Grant and Sign Grant programs, waive permit fees for improvements in the HOD area of downtown for a period of five (5) years, grant the City Manager the authority to waive permit fees on individual projects throughout the greater downtown Killeen area as defined in the Killeen Downtown Plan, and make a determination that there is an ongoing public benefit for providing these economic development incentives for downtown revitalization.

*Motion was made by Councilmember Clark to approve PH-013B. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Blackstone, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 5:35 p.m.





# City of Killeen

## Legislation Details

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**File #:** CA-15-029    **Version:** 1    **Name:** Thermoplastic - PolyFlex III Bid 15-10  
**Type:** Resolution/Consent Agenda    **Status:** Consent Agenda  
**File created:** 2/5/2015    **In control:** City Council  
**On agenda:** 3/10/2015    **Final action:**  
**Title:** Consider a memorandum/resolution awarding Bid No. 15-10 to D.I.J. Construction, Inc. for thermoplastic materials and to Maxwell Products, Inc. for crack seal material.  
**Sponsors:** Streets, Public Works Department  
**Indexes:** Street Material  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Bid Tabulation](#)

Date	Ver.	Action By	Action	Result
3/3/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**Authorize the award of purchase contracts to D.I.J. Construction, Inc. for thermoplastic materials and Maxwell Products, Inc. for crack seal materials, Bid 15-10**

**ORIGINATING DEPARTMENT**

**Public Works / Street Services Division**

**BACKGROUND INFORMATION**

On February 02, 2015, at 2:15pm, bids were opened and read aloud for the procurement of the City's estimated annual requirements for street materials, rock, thermoplastic, Polyflex III (crack seal material), and top soil. These items included Type D asphalt, Type C asphalt, 1.5 Asphalt Overlay, sandy loam, base material, rip rap, thermoplastic, Polyflex III, and cold mix asphalt. The City's various divisions utilize quality sandy loam, base material, and rip rap in a variety of different applications, including the construction and repair of sidewalks, curb and gutter sections, channel repair and replacements, culverts, etc. The City's previous street material contracts were for a term of (1) one year and expire in 2015.

**DISCUSSION/CONCLUSION**

Five (5) vendors submitted a bid. These were Crafcro Texas, Inc., Swarco Industries, Inc., Superior Crushed Stone, D.I.J. Construction, Inc., and Maxwell Products, Inc.

City staff received one bid submission for the rip rap of various sizes from Superior Crushed Stone. A new bid will be advertised as the cost submitted ranges from 19% to 57% higher than the current, local vendor. The cost of freight and transportation will also vary during FOB Destination - FOB Plant vs. the current cost. Currently, the City transports the product from Lhoist North America, which is a 19.6 miles round trip from Nolanville, TX. Superior Crushed Stone is a 70.6 miles round trip from Jarrell, TX, resulting in a 51-mile round trip difference. City staff recommends rejecting the bids for rip rap - FOB Destination and FOB Plant, for all sizes. This would not be cost effective for the City of Killeen due to the cost of travel time, employee downtime from jobsites, fuel costs, and maintenance due to mileage accrual on equipment.

No bids were received for Type D and C Asphalt, 1.5 Asphalt Overlay, Quality Sandy Loam, Base Material, and Cold Mix Asphalt resulting in the need to produce a new bid and re-advertise.

Bids were received for thermoplastic materials and for crack seal materials. Bidders were instructed to bid items based upon an estimated annual need and per item award. The low bidder for each item recommended for award is outlined below:

ITEM	LOW BIDDER	BID PRICE
Thermoplastic - White	DIJ Construction, Inc.	\$0.64 per pound
Thermoplastic - Yellow	DIJ Construction, Inc.	\$0.64 per pound
Crack Seal Material - Polyflex III	Maxwell Products, Inc.	\$0.4852 per pound

As with other requirements contracts, if the selected bidder cannot fulfill an order, the City divisions will then solicit from area vendors that have materials available. Due to the fluctuating market condition of the materials, the bid required prices to remain fixed and firm during the first twelve (12) months of the contract. The contract term for this award is for a term of one (1) year with the option to extend the same for four (4) additional six (6) month periods, if agreed to by both parties.

### **FISCAL IMPACT**

The funding for this action is available as budgeted in the following accounts: 340-3490-800.42-37, Sign Maintenance; 010-3445-434.42-65, Street Maintenance; and also includes other prospective accounts per the City of Killeen individual departments/divisions.

### **RECOMMENDATION**

City staff recommends that City Council award purchase contracts to D.I.J. Construction Inc. for the purchase of Thermoplastic - White and Thermoplastic - Yellow and Maxwell Products, Inc. for the crack seal material - Polyflex III, under Bid 15-10 and reject all other submissions. Further that the City Council authorize the City Manager to enter into contracts with the same, including the proposed extensions described and all change orders in the amounts established by state and local law.

# VENDORS

Bid 15-10; Street Department, Street Materials, Rock, Thermoplastic, Polyflex III, and Top Soil		CRAFCO TEXAS, INC. HALLS, TX.	SWARCO INDUSTRIES, INC. COLOMBIA, TN.	SUPERIOR CRUSHED STONE JARRELL, TX.	DIJ CONSTRUCTION, INC. BERTRAM, TX.	MAXWELL PRODUCTS, INC. SALT LAKE, UTAH
Opening: February 2, 2015 @ 2:15 PM	Unit Price per cu yd/ extended price					
TYPE D ASPHALT FOB PLANT	25,000 TONS	NA	NA	NA	NA	NA
TYPE C ASPHALT FOB PLANT	1,500 TONS	NA	NA	NA	NA	NA
1.5 ASPHALT OVERLAY	100,000 SY	NA	NA	NA	NA	NA
QUALITY SANDY LOAM	10,000 TONS 4,000 TONS	NA	NA	NA	NA	NA
BASE MATERIAL FOB DESTINATION FOB PLANT	10,000 TONS 6,000 TONS	NA	NA	\$15.00 PER TON \$150,000.00 \$5.00 PER TON \$30,000.00	NA	NA
RIP RAP 18-24 INCH FOB DESTINATION FOB PLANT	1,500 TONS 1,000 TONS	NA	NA	\$35.00 PER TON \$52,500.00 \$25.00 PER TON \$25,000.00	NA	NA
RIP RACK 12-18 INCH FOB DESTINATION FOB PLANT	1,500 TONS 1,000 TONS	NA	NA	\$30.00 PER TON \$45,000.00 \$20.00 PER TON \$20,000.00	NA	NA
RIP RAP 3-5 INCH FOB DESTINATION FOB PLANT	5,500 TONS 1,500 TONS	NA	NA	\$20.00 PER TON \$110,000.00 \$10.00 PER TON \$15,000.00	NA	NA
THERMOPLASTIC - WHITE	30,000 LBS.	NA	\$0.65 PER LB. \$19,500.00	NA	\$0.64 PER LB. \$19,200.00	NA
THERMOPLASTIC - YELLOW	15,000 LBS.	NA	\$0.65 PER LB. \$9,750.00	NA	\$0.64 PER LB. \$9,600.00	NA
CRACK SEAL MATERIAL - POLYFLEX III	68,000 LBS.	\$0.52 PER LB \$35,360.00	NA	NA	NA	\$0.4852 PER LB. \$32,993.60
COLD MIX ASPHALT	2,500 TONS	NA	NA	NA	NA	NA
NOTES / COMMENTS		7-10 DAYS AFTER AWARD CITY OF SAN ANTONIO, CITY OF AUSTIN, CITY OF FT. WORTH	10 DAYS AFTER AWARD WORKS WITH FLORIDA AND VIRGINIA	COSTS ARE SUBSTANTIALLY HIGHER THAN CURRENT LOCAL VENDOR PRICES, NEW BID TO BE ADVERTISED	LOW BIDDER	7 DAYS WITHIN ORDER PLACEMENT AFTER AWARD AFTER RECEIVING INVOICE, CC # MUST BE CALLED IN OR CHECK REMITTED NUV CS FORMULATION CRACKFILL MATERIAL WORKS WITH CALIFORNIA, NEW ENGLAND, UTAH



# City of Killeen

## Legislation Details

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**File #:** CA-15-030    **Version:** 1    **Name:** Reschedule Council Meeting of March 24, 2015  
**Type:** Resolution/Consent Agenda    **Status:** Consent Agenda  
**File created:** 2/20/2015    **In control:** City Council  
**On agenda:** 3/10/2015    **Final action:**  
**Title:** Consider a memorandum/resolution rescheduling the regular City Council meeting of March 24, 2015.  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
3/3/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**Reschedule City Council Meeting of March 24, 2015**

**ORIGINATING DEPARTMENT**

**City Manager's Office**

**BACKGROUND INFORMATION**

Section 34 of the City Charter provides that the City Council shall meet regularly, but not less frequently than twice a month. Historically, the City Council has scheduled these two meetings for the second and fourth Tuesdays of the month.

**DISCUSSION/CONCLUSION**

The Fort Hood Community Listening Session is scheduled for the evening of March 24, 2015. A majority of the City Council may be in attendance. It is recommended that the City Council meeting scheduled for March 24, 2015 be rescheduled for another date.

**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

That the second regular City Council meeting of March be held on March 31, 2015.



# City of Killeen

## Legislation Details

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**File #:** CA-15-031    **Version:** 1    **Name:** Minutes of Special City Council Meeting of March 3, 2015  
**Type:** Minutes    **Status:** Consent Agenda  
**File created:** 3/2/2015    **In control:** City Council  
**On agenda:** 3/10/2015    **Final action:**  
**Title:** Consider minutes of Special City Council Meeting of March 3, 2015.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
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**City of Killeen**  
Regular City Council Meeting  
Utility Collections Large Conference Room  
March 3, 2015 at 5:00 p.m.

Presiding: Mayor Scott Cospier

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker.

**Approval of Agenda**

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

**Ordinances / Resolutions**

**OR-15-003** Consider an ordinance amending Chapter 28 extending construction maximum speed limits on US 190, US 190 Frontage Roads, and FM 2410.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, MISCELLANEOUS RULES OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY ESTABLISHING THE MAXIMUM CONSTRUCTION SPEED LIMITS ON U.S. HIGHWAY 190 (CENTRAL TEXAS EXPRESSWAY), U.S. HIGHWAY 190 FRONTAGE ROADS, AND FARM-TO-MARKET (FM) 2410; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Holli Clements

Due to the continuation of the construction projects, the construction speed limits need to be extended. The Transportation Division recommends that the construction speed limits found in Sections 28-256, 28-257, 28-258, 28-259, and 28-261 be extended. One correction to the ordinance presented, Section 28-258's Reference Marker of 562+07.68 should be 568+1.462. The City of Killeen Transportation Division recommends adoption of the attached ordinance extending the construction maximum speed limits as indicated.

*Motion was made by Councilmember Clark to approve OR-003 with the above stated change. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Blackstone, seconded by Councilmember Segarra, and unanimously approved, the meeting was adjourned at 5:05 p.m.





# City of Killeen

## Legislation Details

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**File #:** PH-15-014    **Version:** 1    **Name:** Fund 343 Budget Amendment for Stagecoach Phase II and Elms Road Extension.

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

**File created:** 2/17/2015    **In control:** City Council

**On agenda:** 3/10/2015    **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 2011 fund accounts by \$486,503 to finance Stagecoach Road Reconstruction Phase II and Elms Road Extension.

**Sponsors:** Public Works Department, Transportation Division, Finance Department

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
3/3/2015	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Budget Amendment for Stagecoach Road Reconstruction Phase II and Elms Road Extension**

### ORIGINATING DEPARTMENT

**Finance**

### BACKGROUND INFORMATION

Various projects are funded through the Capital Improvement Program (CIP). The CIP is funded through the issuance of revenue bonds, general obligation bonds and certificates of obligation and can be used only for purposes outlined in the bond covenant.

In July 2013, the council approved staff recommendation to award a contract to McLean Construction for the Stagecoach Road Reconstruction Phase II (CCMR 13-087R).

In October 2014, the council approved staff recommendation to award a contract to Gary W. Purser Construction for the Elms Road Extension Project (CCMR 14-139R).

### DISCUSSION/CONCLUSION

The City of Killeen approves the CIP budget along with the Annual Budget and Plan of Municipal Services in September each year. Although staff provides estimates based upon the best information at the time, the budget needs to be amended periodically as more accurate information becomes available. Changes in scope, schedules, and the project having remaining funds due to favorable bids or not enough funds due to unforeseen events require that a budget amendment be approved by City Council.

Additional funds are needed to cover contingency-related expenditures and change orders for the Stagecoach Road Reconstruction and Elms Road Extension projects.

### FISCAL IMPACT

Unspent interest earnings from several older bond funds will be utilized to finance this project and have been transferred into Fund 343 via a residual equity transfer approved by the Council on October 21, 2014. Elms Road project funding is currently budgeted in Fund 347. This budget amendment consolidates the funding into Fund 343.

## Revenues

Account	Description	Original Budget	Change	Amended Budget
343-0000-371-93-29	Transfer In (329)	\$0	\$144,513	\$144,513
343-0000-371-93-33	Transfer In (333)	\$0	\$607	\$607
343-0000-371-93-34	Transfer In (334)	\$0	\$19,397	\$19,397
343-0000-371-93-47	Transfer In (347)	\$0	\$300,000	\$300,000
343-0000-371-93-94	Transfer In (394)	\$0	\$7,704	\$7,704
343-0000-371-93-95	Transfer In (395)	\$0	\$14,912	\$14,912
<b>Total</b>		<b>\$0</b>	<b>\$486,503</b>	<b>\$486,503</b>

## Expenditures

Account	Description	Original Budget	Change	Amended Budget
343-3490-800-58-36	Stagecoach	\$13,980,995	\$215,000	\$14,195,995
343-3490-800-58-38	Elms Road	\$2,539,323	\$271,503	\$2,810,826
<b>Total</b>		<b>\$16,520,318</b>	<b>\$486,503</b>	<b>\$17,006,821</b>

## RECOMMENDATION

Staff recommends that City Council approve the attached ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services increasing various capital project fund revenues and expenditures by \$486,503.

**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 2011 FUND ACCOUNTS BY \$486,503; 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:

<i>Account Number</i>	<i>Original Budget</i>	<i>Budget Increase</i>	<i>Amended Budget</i>
343-3490-800-58-36	\$13,980,995	\$215,000	\$14,195,995
343-3490-800-58-38	\$2,539,323	\$271,503	\$2,810,826

**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 10th day of March, 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**

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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



# City of Killeen

## Legislation Details

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**File #:** OR-15-004    **Version:** 1    **Name:** City Council Rules of Procedure and Protocol  
**Type:** Resolution    **Status:** Ordinances / Resolutions  
**File created:** 3/5/2015    **In control:** City Council  
**On agenda:** 3/10/2015    **Final action:**  
**Title:** Consider a memorandum/resolution amending the City Council Rules of Procedure and Protocol-amending agenda order. (1st of 2 Readings)  
**Sponsors:** City Attorney Department, City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Rules of Procedure & Protocol](#)

Date	Ver.	Action By	Action	Result
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**CITY OF KILLEEN  
CITY COUNCIL  
RULES OF PROCEDURE  
AND  
PROTOCOL**

**1. AUTHORITY**

1.1 *Charter:* The Charter of the City of Killeen allows the City Council to determine its own rules and order of business.

**2. DEFINITIONS AND GENERAL RULES**

2.1 *Amendment to Rules:* These rules may be amended, or new rules adopted by a majority vote of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

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**5. ORDER OF BUSINESS**

5.1 *Agenda:* The order of business of each meeting shall be as contained in the Agenda prepared by the City Manager. The agenda shall be a listing of topics or subjects to be considered by the Council. City Councilmembers may submit items to be placed on the agenda by providing the agenda item to the City Manager no later than 2:00 p.m. on the Wednesday preceding the next regular or special called meeting. This guideline does not preclude Councilmembers from submitting agenda items after 2:00 p.m. on the Wednesday preceding the next regular or special called meeting, but merely serves as a guideline in order to facilitate the timely and efficient delivery of the agenda and supporting materials. Before a Councilmember may place an item on the Agenda for consideration, it must first be placed as a Discussion Item. If a majority of Council wishes to consider the item further, then it may be placed on a future Agenda for action. If a Councilmember wishes the Council to discuss or consider a previously decided item, he or she may request the City Manager to place that item on the agenda. At the meeting or pre-session, the Council will decide whether to discuss or reconsider the issue. The City Manager shall deliver the agenda to the Council at least 72 hours prior to any regular or special called meeting.

5.2 *Agenda Format:* The Agenda shall provide for the following topics or subjects to be considered by the Council in the following order:

5.2.1 **CALL TO ORDER:** This section shall note the time and place of the meeting.

5.2.2 **ROLL CALL:** This section shall note the attendance of the Mayor, City Councilmembers, City Manager, City Attorney, and City Secretary.

5.2.3 **INVOCATION:** This section shall note the opening prayer.

5.2.4 PLEDGE OF ALLEGIANCE: This section shall note the observance of our national pledge.

5.2.5 APPROVAL OF THE AGENDA: This section shall approve of the order and content of the agenda. The Mayor or any Councilmember may ask for the order and/or content of the agenda to be modified under this item upon consent of a majority of the Council.

5.2.6 PRESENTATIONS. This section shall provide for any items to be submitted to the Council which are: proclamations; items not requiring extensive discussion; items requesting information or items requesting future action by the Council. No item requiring action by the Council shall be placed under this section.

5.2.7 CITIZENS PETITIONS AND INFORMATION: This section allows presentations by citizens of Killeen who are not currently in, or threatening civil or criminal litigation with, the City of Killeen or any of its officers or officials, or with whom litigation is reasonably anticipated. However, citizens who are currently involved or threatening litigation against the City may still address the council on issues wholly unrelated to the subject matter of the litigation. Individuals should address their petitions and presentations to the City Council and refrain from personally addressing individual members of the Council. Presentations may cover only one topic, must be related to City business, and shall be limited to 3 minutes, unless the Presiding Officer or any Councilmember allows a one (1) minute extension. A majority vote of the City Council is required for any other time extensions. Presentations must be scheduled and audio-visual materials requiring the use of equipment for presentation must be submitted through the City Manager's office by 2:00 p.m. on the Wednesday preceding the Council meeting at which the citizen wishes to speak.

5.2.8 MINUTES: This section shall provide for Council consideration of minutes.

5.2.9. RESOLUTIONS: This section shall provide for Council consideration of all resolutions that do not require a Public Hearing.

5.2.10 ORDINANCES: This section shall provide for Council consideration of all ordinances that do not require a Public Hearing.

5.2.11 PUBLIC HEARINGS: This section shall provide for Council consideration of any public hearings, and ordinances or resolutions related to such hearings if action is required. Public hearings and ordinances or resolutions shall be conducted in the following manner:

- (1) Reading of the caption of the ordinance
- (2) Hearing of staff comments
- (3) Opening of Public Hearing
- (4) Closing of Public Hearing
- (5) City Council Discussion
- (6) Consideration of motion, second and vote



5.2.12 ADJOURNMENT: This section provides for the closure of the meeting.

5.3 *Agenda Deadline:* Any person desiring either to present an item for the Councils' consideration or sign up to address the Council during Citizens Petitions and Information shall do so in the City Manager's office not later than 2:00 p.m. on the Wednesday preceding the meeting or workshop at which he/she wishes the subject to be considered.

5.4 *Public Participation:* Whenever a member of the public is recognized to address the Council on an ordinance, resolution, or public hearing item, the individual will be given 3 minutes to make comments. The Presiding Officer or any Councilmember may allow a 1-minute extension. A majority vote of the City Council is required for any other time extensions.

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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Resolution amending the City Council Rules of Procedure and Protocol-amending agenda order**

### ORIGINATING DEPARTMENT

**City Attorney**

### BACKGROUND INFORMATION

Killeen City Charter Section 36 allows the City Council to determine its own rules and order of business. In February 1995, the Council adopted rules of procedure and protocol governing its internal processes. Section 2.1 of the rules provides that amendment of, or additions to, these rules is a two-step process. First, the proposed amendment or new rule must be introduced into the record at a City Council meeting. Past practice has been that the proposal be accepted by a majority of the Council upon introduction. Second, at a subsequent meeting, the City Council must, by majority vote, adopt the proposed amendment or new rule.

### DISCUSSION/CONCLUSION

The City Council Rules of Procedure and Protocol ("Protocol") sets forth the types and order of items to be included in your regular meeting agendas. In your February 17, 2015 workshop, staff recommended that the agenda format be amended to match what the practice has become.

Our current agenda format calls for a consent agenda, which is described as those items that require action by Council but where no discussion is anticipated. For the past three years, all items on the consent agenda have been fully briefed, negating the need for a consent agenda. Removal of the consent agenda and creation of separate sections for "Minutes", "Resolutions", "Ordinances", and "Public Hearings" will match what our practice has become.

In order to accomplish these changes to the agenda format, Council will need to amend its Protocol.

### FISCAL IMPACT

None

### RECOMMENDATION

Staff recommends that the City Council adopt the amendment, as attached.