



# City of Killeen

## Agenda City Council

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Tuesday, March 11, 2014

5:00 PM

Killeen City Hall  
101 North College Street  
City Council Chambers

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### Call to Order and Roll Call

___ Dan Corbin, Mayor	___ Elizabeth Blackstone
___ Steve Harris	___ Terry Clark
___ Jose Segarra	___ Wayne Gilmore
___ Jared Foster	___ Jonathan Okray

### Invocation

### Pledge of Allegiance

### Approval of Agenda

### Citizens Petitions

*Comments should be limited to three minutes.*

[CP-14-002](#) Discuss Parking on Neighborhood Streets:  
Ronald Shelton (402 Perch Cove)  
Scott and Jaine Mathis (403 Perch Cove)  
Wallace and Janice Moore (404 Perch Cove)

### Consent Agenda

[CA-14-029](#) Consider minutes of Regular City Council meeting of February 25, 2014.

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

[CA-14-030](#) Consider a memorandum/resolution authorizing the award of a professional services agreement with The Wallace Group to design the Septic Tank Elimination Program (STEP) Phase IX Project.

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

[CA-14-031](#) Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2013.

**Attachments:** [Council Memorandum](#)  
[Investment Report for Quarter Ended 12-31-13](#)

[CA-14-032](#) Consider a memorandum/resolution to authorize the award of a

professional services contract to SCS Engineers to prepare a Solid Waste Master Plan and Rate Study.

**Attachments:** [Council Memorandum](#)  
[Scope of Services](#)

[CA-14-033](#) Consider a memorandum/resolution awarding Bid No. 14-05 to Colliver Tire Service for Fleet Services.

**Attachments:** [Council Memorandum](#)  
[Tire Service Bid Sheet](#)

[CA-14-034](#) Consider a memorandum/resolution for the procurement of network and core switches through the co-operative purchasing network - Texas Department of Information Resources.

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

### **Public Hearings/Ordinances**

[PH-14-015A](#) HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Reimbursement Resolution Trimmier Expenditure Account by \$37,448 for the Trimmier Road widening project from US 190 to Bacon Ranch Road.

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

[PH-14-015B](#) Consider a memorandum/resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation for the Trimmier Road Widening project from US 190 to Bacon Ranch Road.

**Attachments:** [Council Memorandum](#)  
[Advanced Funding Agreement](#)  
[Trimmier Location Map](#)  
[W S Young Location Map](#)  
[Lowes Location Map](#)

[PH-14-016](#) HOLD a public hearing and consider an ordinance requested by RSBP Developers, Inc. (Case #Z14-01) to rezone Lots 1-3, Block 15, Purser Crossing, Phase One, from R1-A (Single-Family Garden Home Residential District) to R-2 (Two-Family Residential District). The properties are locally known as 3100, 3102 and 3104 John Helen Drive, Killeen, Texas.

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

[PH-14-017](#) HOLD a public hearing and consider an ordinance requested by Lagan Construction, Inc. (Case #Z14-02) to rezone 6.77 acres, part of the Thomas Robinett Survey, Abstract No. 686, from "A" (Agricultural District) to "R-2" (Two-Family Residential District). The property is located west of the terminus of Waterproof Drive, immediately east of Robert M. Shoemaker High School, Killeen, Texas.

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

[PH-14-018A](#) HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' to 'General Residential' for approximately 5.77 acres located along the south right-of-way of Watercrest Road adjacent to the intersection of Bachelor Button Boulevard, Killeen, Texas.

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

[PH-14-018B](#) HOLD a public hearing and consider an ordinance requested by Killeen Sunflower, Inc. (Case #Z14-03) to rezone 4.854 acres, part of the Thomas Robinett Survey, Abstract No. 686, from B-5 (Business District) to R-2 (Two-Family Residential District). The property is located along the south right-of-way of Watercrest Road between Bachelor Button Boulevard and Foxglove Lane and is locally known as 4602 Watercrest Road, Killeen, Texas.

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

[PH-14-019](#) HOLD a public hearing and consider an ordinance amending the FY 2013-14 Annual Budget and Plan of Municipal Services of the City of Killeen to provide for a \$5,000,000 up-front capital equity contribution to Bell County Water Control and Improvement District No. 1, to facilitate the design and construction of a water treatment plant on Stillhouse Lake.

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

## **Ordinances / Resolutions**

[OR-14-010](#) Consider an ordinance appointing presiding and alternate election judges; precinct number change; and increase in election worker hourly pay.

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

[OR-14-011](#) Consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen, amending Chapter 31, Article IV, Divisions 3A and 3B, Districts "SR-1" and "SR-2" Suburban Residential Single-Family Districts.

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

[OR-14-012](#) Consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen, amending Chapter 31, Article IV, Division 12, District "B-3" Local Business District and amending Chapter 31, Article IV, Division 16, "RC-1" Restaurant and Alcohol Sales District.

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

[OR-14-013](#) Consider a memorandum/resolution for the removal from and appointment to various boards, commissions, committees, and

commissions sub-committees.

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

## 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 7, 2014.*

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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.*

- 41st Annual Freedom Fund Banquet, March 8, 2014, 6:15 p.m. – 9:00 p.m., Club Hood*
- Girl Scouts Women of Distinction Dinner, April 10, 2014, 6:30 p.m. – 8:00 p.m., Hilton Garden Inn, Temple*
- Greater Killeen Chamber of Commerce Luncheon, March 21, 11:30 a.m. – 1:00 p.m., Central Texas College*

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





# City of Killeen

## Legislation Details

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**File #:** CP-14-002    **Version:** 1    **Name:** Citizens Petition - Parking on Neighborhood Streets  
**Type:** Citizen Petition    **Status:** Citizens Petitions  
**File created:** 3/6/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Discuss Parking on Neighborhood Streets:  
          Ronald Shelton (402 Perch Cove)  
          Scott and Jaine Mathis (403 Perch Cove)  
          Wallace and Janice Moore (404 Perch Cove)  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** CA-14-029    **Version:** 1    **Name:** Minutes of February 25, 2014  
**Type:** Minutes    **Status:** Consent Agenda  
**File created:** 2/24/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider minutes of Regular City Council meeting of February 25, 2014.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		



**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
February 25, 2014 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark (5:04), Jared Foster, 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 M. Mirabel.

Councilmember Harris gave the invocation, and Mayor Pro-Tem Blackstone led everyone in the pledge of allegiance.

### **Approval of Agenda**

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

### **Consent Agenda**

- CA-14-019** Consider minutes of Regular City Council meeting of February 11, 2014.  
No changes.
- CA-14-020** Consider a memorandum/resolution for projected expenditure from the state seizure account for the Killeen Police Department.  
**Staff comments:** Police Chief Baldwin  
The Police Department's Organized Crime Unit is in need of evidence recovery equipment. The total cost of these items is \$14,727. This is to provide notice to the governing body of the projected expenditure of funds from the police department's State Seizure account in the amount of \$14,727.  
Staff recommends that the City Council approve the expenditure of funds from the State Seizure account for the above qualified purchases.
- CA-14-021** Consider a memorandum/resolution authorizing the procurement of replacement computers for various City Departments.  
**Staff comments:** Michael Mendiola  
The IT Department is seeking approval to purchase desktop computers (exceeding \$50,000), using a cooperative purchase. This will replace the city staff's 153 oldest computers which are not capable of effectively utilizing required software.  
The IT Department staff recommends that the City Council approve the purchase of computers for the completion of the plan for the 2013-2014 fiscal year.

- CA-14-022** Consider a memorandum/resolution to award a service agreement to CenturyLink.  
**Staff comments:** Michael Mendiola  
Bandwidth needs to be upgraded at eight locations to allow for the growing increase in network traffic. Bandwidth increases can be accomplished with an increase in cost of \$100 per month (five-year contract at \$8,145 a month). This increase can be funded in the current year's budget.  
Staff recommends that the City Council approve the contract upgrade with CenturyLink in the amount of \$8,145 per month for a total of 60 months.
- CA-14-023** Consider a memorandum/resolution authorizing the City Manager to execute a Municipal Maintenance Agreement and Amendment with the Texas Department of Transportation.  
**Staff comments:** Scott Osburn  
The Texas Department of Transportation (TxDOT) has requested that the City of Killeen renew its Municipal Maintenance Agreement. The Amendment to the Municipal Maintenance Agreement authorizes the City of Killeen to install, operate and maintain equipment installed for the purpose of monitoring compliance with traffic-control signals (red light cameras).  
Staff recommends that the City Council authorize the City Manager to enter into a Municipal Maintenance Agreement and Amendment to the Municipal Maintenance Agreement with TxDOT.  
(Councilmember Clark arrived at 5:04)
- CA-14-024** Consider a memorandum/resolution authorizing a lease agreement amendment with Bring Everyone in the Zone at the Killeen Arts & Activities Center.  
**Staff comments:** Leslie Hinkle  
Lessee would like to lease one additional office space adjacent to their current space at the KAAC. The additional proposed monthly rent for the two-hundred fifteen (215) square feet of office space is \$133.33 as base rent. Utility charges will be billed each month to the Lessee.  
Staff recommends that City Council approve the lease agreement amendment for Bring Everyone in the Zone.
- CA-14-025** Consider a memorandum/resolution to authorize a collection fee as provided by the Code of Criminal Procedure for Municipal Court.  
**Staff comments:** Luevada Posey  
The Municipal Court recommends that the Council approve the attached resolution authorizing a collection fee in the amount of 30 percent be assessed on all municipal court cases 60 days past due that are referred to a private vendor for collection.

**CA-14-026** Consider a memorandum/resolution revising the conditions of a Development Agreement to allow for the construction of a monopole cell tower on property currently located in Killeen's extra-territorial jurisdiction (ETJ).

**Staff comments:** Tony McIlwain

The optimal location for a cell tower would be one which is beneficial to Ms. Reavis' and the City's future planning efforts as it relates to the extension of Mohawk Drive, complies with FAA height restrictions near the Killeen/Fort Hood Regional Airport and rectifies floodplain concerns. Staff is supportive of the proposed changes to the existing Development Agreement to allow Ms. Reavis to construct one monopole cell tower, but has concerns regarding the desired height of the monopole structure. Staff would like to change wording in Section 2, paragraph 3, sentence 1 to read "The Owner covenants and agrees not to construct, or allow to be constructed, any structures on the Property that would require a building permit if the Property were in the City limits, with the exception of a monopole cell tower (as detailed in the attached site plan, denoted as Exhibit 'B'), which will meet a 1:1 fall radius, and not encroach onto adjacent properties, without the prior express written consent of the City, until the Property has been annexed into, and zoned by, the City.

The current Development Agreement will expire in 2023.

**CA-14-027** Consider a memorandum/resolution authorizing a professional services contract with Vanir Construction Management, Inc. for oversight of the design, bid, and remodel of the Killeen Community Center.

**Staff comments:** Brett Williams

Staff has identified Vanir Construction Management, Inc. as a firm to oversee the renovation/remodel of the Killeen Community Center.

Staff recommends the City Council authorize the City Manager to execute a professional services contract with Vanir Construction Management, Inc. in the amount of \$138,362.00 for construction management services related to the design, bid, and construction of the Killeen Community Center.

**CA-14-028** Consider a memorandum/resolution granting approval of rental of election equipment.

**Staff comments:** Kathy Davis

Only one source, ES&S, can provide the city with adequate number of voting machines. ES&S will provide the city election machines and supplies for \$52,308.15. This amount may be cut in half if KISD has an election.

Staff recommends that city council accept the proposal from ES&S in the amount of \$52,308.15.

*Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 19 through 28, as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

## Public Hearings / Ordinances

**PH-14-011** HOLD a public hearing and consider an ordinance requested by W.B.W. Land Investments, L.P. (Case #Z13-05) to rezone approximately 62.31 acres, being part of the Azra Webb Survey, Abstract No. 857, from A-R1 (Agricultural Single-Family Residential District) to R-1 (Single-Family Residential District). The property is located on the north right-of-way of Stagecoach Road, west of Rein Drive, Killeen, Texas. (This request was tabled at the March 26, 2013, City Council Meeting.)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A-R1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

W.B.W. Land Investments, L.P. has submitted this request to rezone approximately 62.31 acres from A-R1 to R-1. Request was originally presented at the March 26, 2013 council meeting, and tabled at the request of the property owner. The property is located approximately 270 feet west of Rein Drive, Killeen, Texas. The staff notified sixty-eight (68) surrounding property owners within a 200 foot notification boundary regarding this request. Staff has received one protest from the owner of 6607 Rein Drive, Killeen, Texas.

The Planning and Zoning Commission recommended approval of the R-1 zoning request 7 to 1. Staff does not recommend approval of R-1 zoning as it is not the most appropriate district with regard to the Comprehensive Plan's Future Land Use Map's (FLUM) 'Suburban Residential' designation.

Mayor Corbin opened the public hearing.

Garrett Nordick, W.B.W - Spoke in favor of request. Surrounding houses zoned R-1A.

Kathy Harkin, 6607 Rein Dr. - spoke in opposition of request. Feels the area will become too congested. Believes zoning is important to preserve property values and that homeowners and developer can come up with a compromise.

Linda Knotts, 3212 Carpet Lane - Spoke in opposition of request; would like to have all developments in area match, i.e. size and distance.

Lynn Dowling, 601 Rein Drive - Spoke in opposition of request; is for progress but concern is continuity from one property to the next.

Glen Bauer, 6605 Rein Drive - Spoke in opposition of request; gave statistics from 1980 from court decision and gave statistics of resale of homes in Killeen and rentals and foreclosures.

Mr. Gauer questioned the need for more homes built in Killeen and requested the Council reject the request or postpone development.

Greg Garrett, 6607 Rein Drive - Spoke in opposition of request; feels housing is congested.

*Motion was made by Councilmember Segarra to remove this request from the table pending from last year. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried 5 to 2 with Councilmember Harris and Councilmember Okray opposing.*

*Motion was made by Councilmember Clark to disapprove PH-011 stating because the requested zoning is not consistent with the City's Comprehensive Plan, as well as the Farr vs Tipit factors referenced by testimony by Mr. Bauer. Motion was seconded by Councilmember Okray. Motion carried 5 to 2 with Councilmember Segarra and Councilmember Gilmore in opposition.*

**PH-14-012** HOLD a public hearing and consider a request for a plat by W&B Development II, L.L.C. (Case #13-058RS: Fox Creek Phase Ten) being a replat of Lot 1B, Block 3, Fox Creek Commercial Phase Two Replat, Killeen, Texas. The property is located north of Illinois Avenue, west of the intersection of Grey Fox Trail.

**Staff comments:** Tony McIlwain

Applicant has withdrawn the request at this time.

**PH-14-013** HOLD a public hearing and consider a request for a plat by Andrew and Mary Cardenas (Case #13-054RRS: Culp Addition 2nd Replat) being a residential replat of Lot 12 and part of Lot 2, Block 3, Culp Addition, Killeen, Texas. The property is located at 1311 Franz Drive, Killeen, Texas.

**Staff comments:** Tony McIlwain

Killeen Engineering & Surveying, Ltd. submits this request on behalf of Andrew and Mary Cardenas for Culp Addition 2nd Replat, The property is zoned R-1 (Single-Family Residential District). The applicant is replatting the property to add additional land area to the site. The Staff Review Committee met and concurred that the plat had met all provisions of Chapter 26 of the Killeen Code of Ordinances.

The Planning and Zoning Commission recommend approval by a vote of 6 to 0.

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

*Motion was made by Councilmember Okray to approve PH-013. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried unanimously.*

**PH-14-014** HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the General Fund by \$250,000 to assist in opening a homeless shelter.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE SUPPORT SERVICES HOMELESS SHELTER EXPENDITURE ACCOUNT (010-9503-491.44-84) IN THE GENERAL FUND IN THE AMOUNT OF \$250,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Martie Simpson

On February 11, 2014, Families in Crisis, Inc. presented the City Council with the need for \$250,000 to complete the renovations needed to open the shelter.

Approval of this budget amendment will increase the General Fund expenditures by \$250,000.

Staff recommends that the City Council approve this ordinance amending the FY 2013-2014 General Fund budget by \$250,000.

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

*Motion was made by Councilmember Foster to approve PH-014. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

### **Ordinances / Resolutions**

**OR-14-005** Consider a memorandum/resolution appointing members to various boards, commissions, committees, and commissions sub-committees.

**Staff comments:** Ann Farris

The memorandum/resolution is necessary to confirm and/or establish the membership of the below-discussed committees. The appointments to consider are as follows:

Board of Adjustments and Appeals: Steve Reinhart

Heritage preservation Board: James Butler

Killeen Volunteers, Inc. - Board of Directors: Rachel Watkins

Mr. Christopher Kuklock, Killeen's representative to the Bell County Health District Board resigned today. Kathy Clark Jones has agreed to be the alternate representative on that Board.

*Motion was made by Mayor Pro-Tem Blackstone to approve the above mentioned names to the respective committees. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

**OR-14-006** Consider an ordinance amending Chapters 8 and 31 of the Code of Ordinances of the City of Killeen amending Chapter 31, Article IV, Division 6, District "RT-1" Residential Townhouse Single-Family District and amending Chapter 8, Article VI, Landscaping Regulations.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTERS 8 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 31, ARTICLE IV, DIVISION 6, DISTRICT "RT-1" RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT, BY REVISING THE ZONING REGULATIONS AND REQUIREMENTS THEREIN; AMENDING CHAPTER 8, ARTICLE VI, LANDSCAPING REGULATIONS, BY MAKING A NON-SUBSTANTIVE AMENDMENT TO AN ESTABLISHED CODE OF ORDINANCE PROVISION NECESSARY TO ELIMINATE A CONFLICT ASSOCIATED WITH AMENDING ZONING DISTRICT "RT-1"; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Shelly Shelton - presented a handout of the changes and briefly went over the changes.

The Planning and Zoning Commission recommends that the City Council approve the proposed amendments to the "RT-1" Residential Townhouse Single-Family District.

*Motion was made by Councilmember Okray to approve OR-006 as presented. Motion was seconded by Councilmember Foster.*

*Motion was made by Councilmember Segarra to amend the motion and take the 2-story requirement out. Motion was seconded by Mayor Pro-Tem Blackstone. Motion failed 5 to 2 with Councilmember Okray, Councilmember Gilmore, Councilmember Clark, Councilmember Harris, and Councilmember Foster in opposition.*

*Vote on main motion: Motion carried unanimously.*

**OR-14-007** Consider an ordinance authorizing issuance and sale of General Obligation Refunding Bonds, Series 2014.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF KILLEEN, TEXAS, GENERAL OBLIGATION REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**

**Staff comments:** Martie Simpson

It is recommended that the City consider issuing approximately \$35,000,000 in refunding bonds. The City Manager will move forward with refunding if present value savings are estimated to be achieved at a minimum of 3% of the refunded principal.

Staff recommends that the City Council approve the ordinance authorizing the City Manager to move forward with the issuance and sale of City of Killeen, Texas, General Obligation Refunding Bonds, Series 2014, if market conditions are favorable.

*Motion was made by Councilmember Gilmore to approve OR-007. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**OR-14-008** Consider a memorandum/resolution expressing official intent by the City to reimburse certain costs related to street improvements, parks and trails, Fire Station No. 9, and the existing Community Center.

**Staff comments:** Martie Simpson

A reimbursement resolution needs to be approved by the City Council which will allow the City to expend funds for the procurements and projects identified and

then be reimbursed for those expenditures as the proceeds from the General Obligation Bonds and Certificates of Obligation Bonds are received.

When proceeds from the sale of the General Obligation Bonds and Certificates of Obligation Bonds are received, amounts that have been advanced from the General Fund will be repaid to the General Fund.

Staff recommends that the City Council adopt the attached resolution.

*Motion was made by Councilmember Segarra to approve OR-008. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

**OR-14-009** Consider an ordinance amending the comprehensive sewage disposal and protection ordinance, Chapter 30, Killeen Code of Ordinances.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTER 30, TITLED SEWERS AND SEWAGE DISPOSAL BY AMENDING ARTICLE III, DIVISION 2, PURPOSES, POLICY AND PROHIBITED DISCHARGES; AMENDING ARTICLE III, DIVISION 3, FAT, OIL AND GREASE CONTROL AND PREVENTION; AMENDING ARTICLE III, DIVISION 4, PRETREATMENT PROGRAM; AMENDING ARTICLE III, DIVISION 5 COMPLIANCE AND ENFORCEMENT; AND AMENDING ARTICLE IV, DIVISION 1, MISCELLANEOUS CHARGES TO MODIFY THE CITY OF KILLEEN'S ADOPTED WASTEWATER SYSTEM PROTECTION ORDINANCE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Scott Osburn

Staff summarized the critical revisions of the ordinance.

City staff believes that the proposed revisions will adequately address the Food Service Industry's stated objections by adding additional options relating to testing for high-strength wastewater and applying surcharges for the same. City staff also believes that the additional revisions are necessary to better allow the FOG program to continue to strive to reach the FOG program's ultimate goal of preventing the introduction of FOG into the City's System in an effort to minimize damage and the treatment costs associated with the same.

City staff recommends that City Council adopt the proposed amendments to the City's comprehensive sewage disposal and protection ordinance.

*Motion was made by Councilmember Gilmore to approve OR-009. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

## **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone, and unanimously approved, the meeting was adjourned at 6:14 p.m.





# City of Killeen

## Legislation Details

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**File #:** CA-14-030    **Version:** 1    **Name:** Septic Tank Elimination Program (STEP) Phase IX Project  
**Type:** Resolution/Consent Agenda    **Status:** Consent Agenda  
**File created:** 2/18/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the award of a professional services agreement with The Wallace Group to design the Septic Tank Elimination Program (STEP) Phase IX Project.  
**Sponsors:** Engineering, Public Works Department, Water & Sewer  
**Indexes:** STEP  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[STEP IX Proposal](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

Authorize the award of a professional services agreement with The Wallace Group to design the Septic Tank Elimination Program (STEP) Phase IX Project

### ORIGINATING DEPARTMENT

Public Works/Engineering

### BACKGROUND INFORMATION

In 2002, the City implemented the Septic Tank Elimination Program (STEP) to connect properties served by on-site sewage facilities (septic systems) to the City sanitary sewer system. The construction of STEP I-VII is complete, and STEP VIII is anticipated to be complete by the end of August 2014. STEP IX will bring City sanitary sewer to the homes in Tanglewood Estates Phases I-IV. The Tanglewood Estates is located to the northeast of the Stagecoach Road and Turkey Trot Road intersection.

### DISCUSSION/CONCLUSION

The Wallace Group has extensive experience with the design of sanitary sewer systems, including the STEP Phase VIII Project. Their proposal consists of topographic and easement survey, preliminary design, final design, bidding documents, construction administration, construction staking, and record drawings. After negotiating a fair and reasonable price for The Wallace Group's engineering service, staff recommends approval of their proposal to design the STEP Phase IX Project for a total amount of \$108,230.00.

### FISCAL IMPACT

Funding for this project is available in the amount of \$108,230.00 through account numbers 550-9590-495.62-98 and 550-9590-495.62-79 of the Water and Sewer Fund.

### RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to enter into an agreement with The Wallace Group for a professional services agreement for the design and contract administration of the STEP Phase IX Project in the amount of \$108,230.00, and that the City Manager is expressly authorized to execute any and all changes within the amounts set by state and local law.



ENGINEERS  
ARCHITECTS  
SURVEYORS

WACO  
KILLEEN  
DALLAS  
ROUND ROCK

February 4, 2014

City of Killeen  
P.O. Box 1329  
Killeen, Texas 76540-1329

Attn: Sean Ray, P.E.

Re: Proposal for Engineering Services for the Tanglewood Estates  
Wastewater Collection System (STEP 9)

Dear Mr. Ray:

The Wallace Group is pleased to provide the City with a proposal for professional engineering services per your request. We understand that you want to place the new wastewater lines in the Tanglewood Estates subdivision to eliminate septic tanks for convenience of the home owners.

We have estimated that there will be about 10,000 LF of 6-inch SDR-26 PVC wastewater lines with 25 manholes. Most of the lines will be placed at the rear of the lots. Our estimate for the construction cost for this is about \$1,046,000. We propose the following fees:

Phase 12	Topographic Survey	\$22,000.00
Phase 16	Easement (1 Ea)	\$ 1,830.00
Phase 30	Preliminary Design	\$34,400.00
Phase 40	Final Design	\$23,800.00
Phase 50	Bidding	\$ 6,000.00
Phase 60	Construction Administration	\$ 8,600.00
Phase 61	Record Drawings	\$ 1,600.00
Phase 65	Construction Staking	\$ 10,000.00
<hr/>		
Total		\$108,230.00

The topographical survey is a little more expensive than normal since the surveys will be in the back yards. Most of the yards have privacy fences that will require multiple setups to properly survey these. We will rely on the City of Killeen to obtain right-of-entry for our surveyors. This would include contact information from owners/residents to get access through locked gates and how to coordinate to get their pets penned up if necessary. We will provide S.U.E. Level C. Utility lines as marked on the ground by 811 and visible appurtenances on or above ground will be shown on the construction plans. We did not include any potholing, probing, or line tracing of utility lines. If this type of service is

3010 Illinois Avenue  
Suite 100  
Killeen, Texas 76543

(254) 554-5959  
Fax (254) 554-5979  
www.wallace-group.com  
TBPE F-54


Mr. Sean Ray, EIT  
February 4, 2013  
Page 2

requested or found to be needed, fees for a higher level of S.U.E. can be negotiated.

The Preliminary Design fees will include coordinating with the Bell County Health Department to obtain maps showing the locations of the septic tanks. Several configurations of the collection system will be developed and studied for the best possible layout. It appears feasible to connect the new wastewater lines to the existing 12-inch wastewater line to the north. One or two easements will be required. For purposes of this proposal, only one easement is assumed. If additional easements are required, each additional easement shall be compensated for at the rate of \$1,830.00 each. The Construction Administration fees are based on the assumption that construction would be about 9 months. This proposal is also based on the assumption that there will be one construction contract. If the project is bid in two phases, additional compensation shall be negotiated for additional Bidding Phase and Construction Administration Phase services.

If this proposal is acceptable, let us know so that we can put together a professional services contract on a City of Killeen standard form. If you need any other information, please let us know. Thank you again for considering The Wallace Group to provide you with professional engineering services for this project.

Sincerely,



Paul M. Boyer, P.E.  
Project Manager  
The Wallace Group, Inc.

PMB:lld

Sent: E – mail: [sray@killeentexas.gov](mailto:sray@killeentexas.gov)

cc: File - Project # P23155

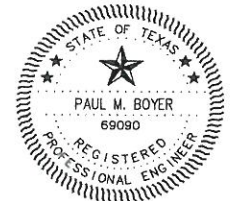
# ENGINEERS OPINION OF CONSTRUCTION COST

Project: STEP 9 - Tanglewood Estates  
 Description: Install wastewater collection system and transfer from septic tanks  
 Project No.: P23155  
 Date: 4-Feb-14  
 By: PMB



ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	SUB-TOTAL
1	6-INCH WASTEWATER LINE	9,975	LF	\$45.00	\$448,875.00
2	STANDARD MANHOLES	25	EA	\$3,200.00	\$80,000.00
3	CLEAN OUTS	6	EA	\$765.00	\$4,590.00
4	WASTEWATER SERVICE CONNECTION STUB-OUTS	45	EA	\$1,000.00	\$45,000.00
5	WASTEWATER SERVICE CONNECTION, ABANDON, COLLAPSE, & BACKFILL SEPTIC TANKS	45	EA	\$2,350.00	\$105,750.00
6	R&R CURB & GUTTER	5	LF	\$30.00	\$150.00
7	R&R FENCES	450	LF	\$50.00	\$22,500.00
8	ADJUST 6-INCH WATER LINE	1	EA	\$4,700.00	\$4,700.00
9	CLASS "B" SURFACE REPLACEMENT	2,045	LF	\$22.25	\$45,501.25
10	LANDSCAPE RESTORATION	7,930	LF	\$8.75	\$69,387.50
11	TRAFFIC CONTROL	1	LS	\$6,000.00	\$6,000.00
12	TRENCH SAFETY PLAN	1	LS	\$2,500.00	\$2,500.00
13	TRENCH SAFETY IMPLEMENTATION	4,988	LF	\$2.20	\$10,972.50
14	SWP3	1	LS	\$2,500.00	\$2,500.00
15	SWP3 IMPLEMENTATION	9,975	LF	\$1.50	\$14,962.50
16	CONTINGENCIES	1	LS	\$87,000.00	\$87,000.00
17	MOBILIZATION	1	LS	\$96,000.00	\$96,000.00
<b>TOTAL CONSTRUCTION COST</b>					<b>\$1,046,388.75</b>
ENGINEERING					
SURVEYING					
INSPECTION					
TESTING					
GRANT ADMINISTRATION					
PLATTING OF SUBDIVISION					
<b>TOTAL PROJECT COST</b>					<b>\$1,046,388.75</b>

*Paul M. Boyer* 2-4-14



This opinions of probable Project Cost or Construction Cost provided for herein are to be made on the basis of his experience and qualifications and represent his best judgement as a design professional familiar with the construction industry, but ENGINEER cannot and does not guarantee that proposals, bid, or the Construction Cost will not vary from opinions of probable cost prepared by him. If prior to the Bidding Negotiating Phase Owner wishes greater assurance as to the Construction Cost, he shall employ an independent cost estimator.



# City of Killeen

## Legislation Details

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**File #:** CA-14-031    **Version:** 1    **Name:** Investment Report for the quarter ended 12-31-13  
**Type:** Resolution/Consent Agenda    **Status:** Consent Agenda  
**File created:** 2/18/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2013.  
**Sponsors:** Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Investment Report for Quarter Ended 12-31-13](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

Investment Report for the Quarter That Ended December 31, 2013

### ORIGINATING DEPARTMENT

Finance

### BACKGROUND INFORMATION

The City of Killeen's investment policy requires that a quarterly report of investment activity be submitted to the City Council within a reasonable time after the end of the quarter. The quarterly report includes a detailed description of the investment position of the City, summarizes the investment activity in each pooled fund group, states the total rate of return on the investment portfolio, and contains information regarding the market value and book values of each separately-invested asset. The report also states that the City's investment portfolio complies with the investment strategy expressed in the City's investment policy and the relevant provisions of the Public Funds Investment Act.

### DISCUSSION/CONCLUSION

The attached investment report summarizes all investment activity for the quarter that ended December 31, 2013. The highlights of the report are as follows:

	OCT-DEC 2013	OCT-DEC 2012	% CHANGE
TOTAL INTEREST EARNED DURING THE QUARTER	\$87,808	\$108,430	-23.48%
INVESTMENT BALANCE END OF THE QUARTER	\$155,220,783	\$169,901,540	-09.46%
AVERAGE YIELD TOTAL PORTFOLIO END OF QTR	0.20%	0.35%	-75.00%

### FISCAL IMPACT

Our investment portfolio directly impacts our interest earnings and aligns with current budgeted amounts.

### RECOMMENDATION

Staff recommends that the City Council approve the attached investment report for the quarter that ended December 31, 2013.



# City of Killeen

## QUARTERLY INVESTMENT REPORT

For the Quarter Ended

December 31, 2013

Prepared by

Valley View Consulting, L.L.C.

The investment portfolio of the City of Killeen is in compliance with the Public Funds Investment Act and the Investment Policy and Strategies.

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Executive Director of Finance

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Assistant Director of Finance

**Disclaimer:** These reports were compiled using information provided by the City. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields and do not account for investment advisor fees.



## Strategy Summary:

The Federal Open Market Committee (FOMC) maintained the Fed Funds target range between 0.00% and 0.25% (actual Fed Funds traded <10 bps). The FOMC continued Quantitative Easing (QE3), but announced the first tapering phase after their December meeting (\$75 billion per month down from \$85 billion). The fixed income market anticipated the change resulting in only modest yield curve adjustments. Domestic employment data remains erratic, with lingering concern over the U-6 and participation rates. Revised third quarter GDP surged to 4.1% - a very positive sign. The US stock markets held strong. Financial institution deposits and laddering targeted cash flows still provide the best interest earnings opportunity.

## Quarter End Results by Investment Category:

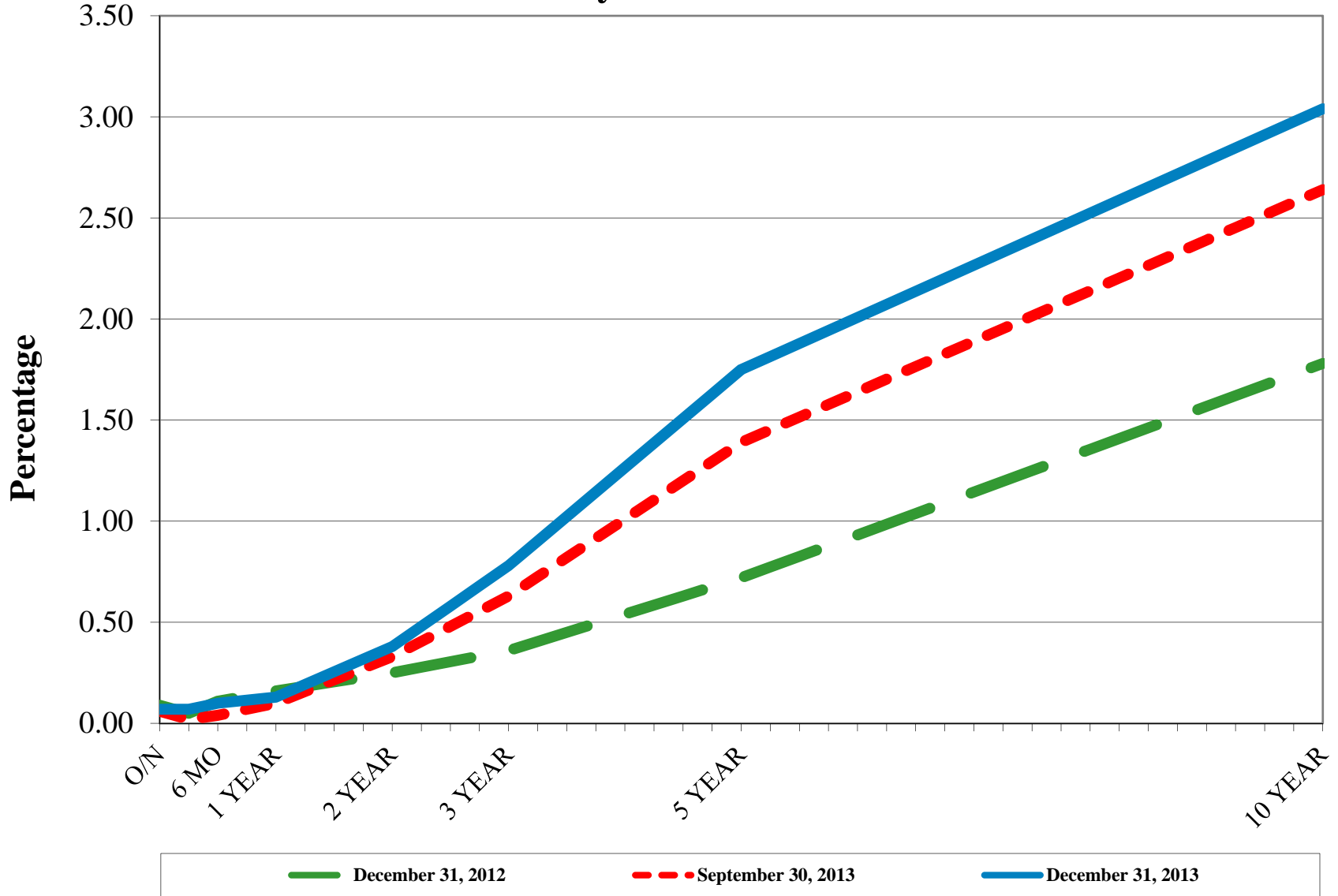
<u>Asset Type</u>	<u>Ave. Yield</u>	<u>December 31, 2013</u>		<u>September 30, 2013</u>	
		<u>Book Value</u>	<u>Market Value</u>	<u>Book Value</u>	<u>Market Value</u>
Pools/MMA	0.11%	\$ 113,080,816	\$ 113,080,816	\$ 83,570,558	\$ 83,570,558
Securities/CDs	0.44%	42,139,967	42,139,967	56,421,141	56,421,141
<b>Totals</b>		<b>\$ 155,220,783</b>	<b>\$ 155,220,783</b>	<b>\$ 139,991,698</b>	<b>\$ 139,991,698</b>

<u>Average Yield (1)</u>		<u>Fiscal Year-to-Date Average Yield (2)</u>	
Total Portfolio	0.20%	Total Portfolio	0.20%
Rolling Three Mo. Treas. Yield	0.06%	Rolling Three Mo. Treas. Yield	0.06%
Rolling Six Mo. Treas. Yield	0.08%	Rolling Six Mo. Treas. Yield	0.08%
		Quarterly TexPool Yield	0.04%
Quarterly Interest Income	\$ 87,808		
Year-to-date Interest Income	\$ 87,808		

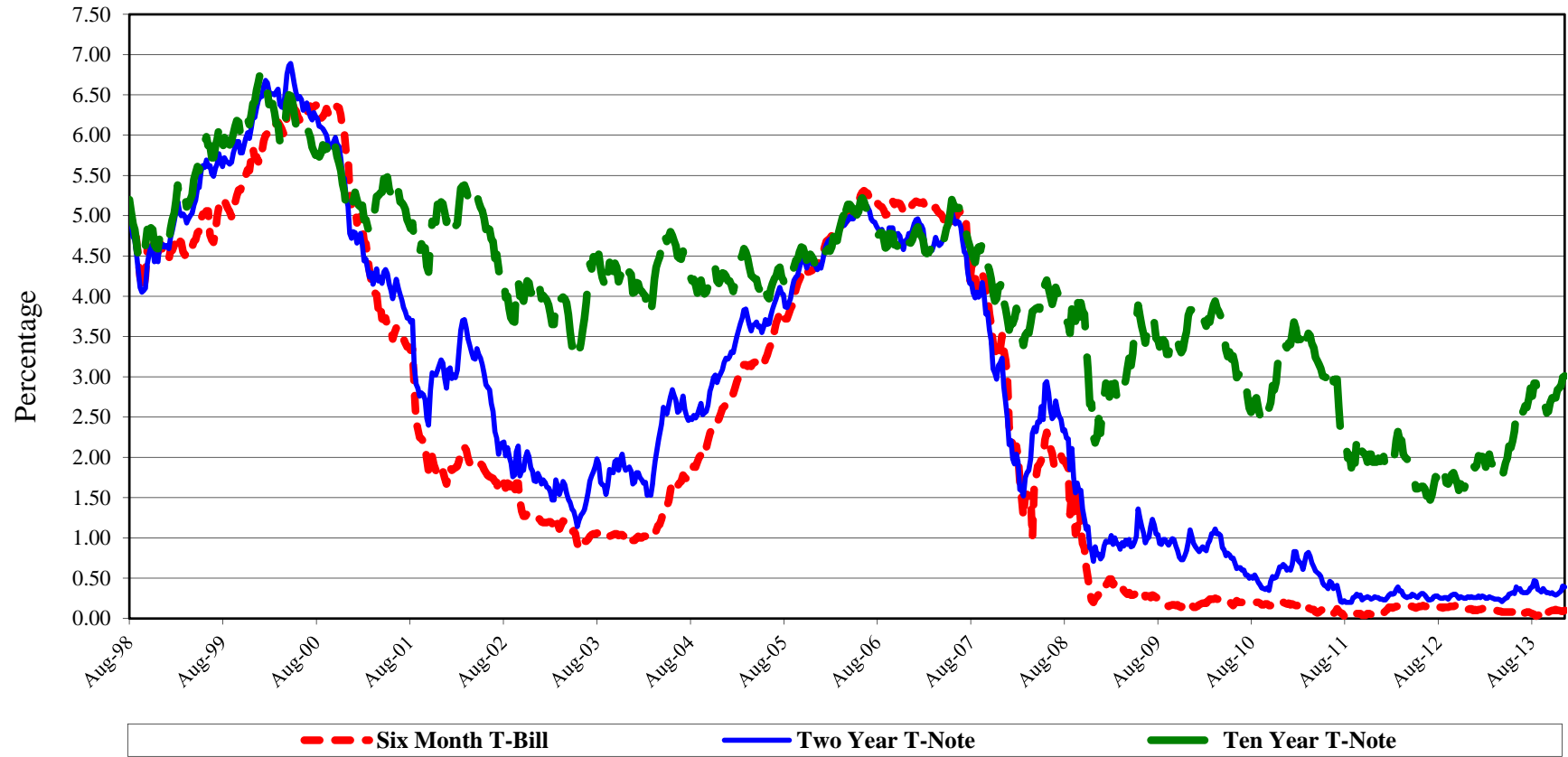
(1) Average Yield calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

# Treasury Yield Curves



## US Treasury Historical Yields



# S&P 500



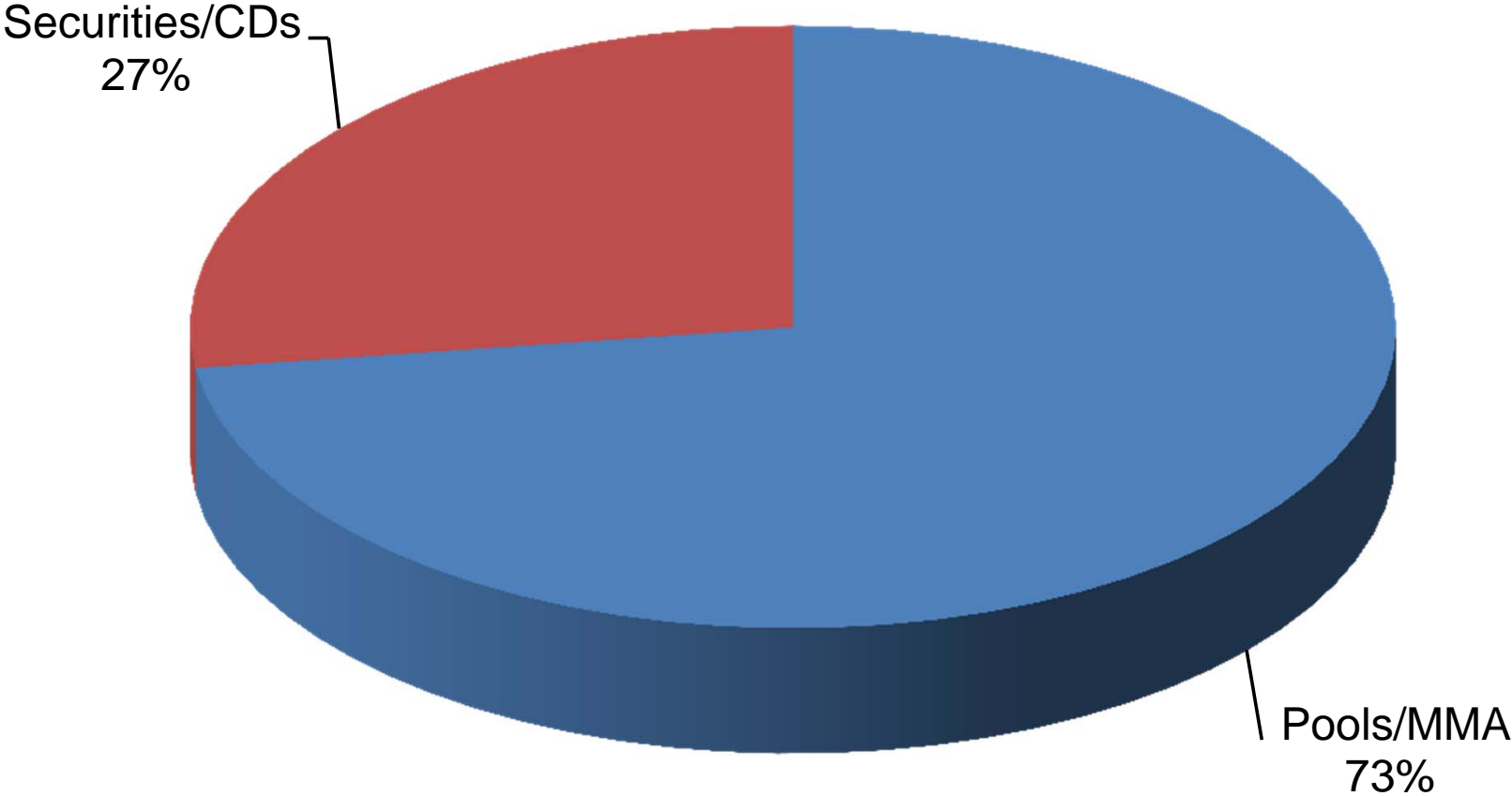
## Detail of Holdings December 31, 2013

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
TexasTerm	AAAm	0.04%	01/01/14	12/31/13	\$ 1,188,421	\$ 1,188,421	1.00	\$ 1,188,421	1	0.04%
TexPool	AAAm	0.04%	01/01/14	12/31/13	59,600,460	59,600,460	1.00	59,600,460	1	0.04%
TexStar	AAAm	0.04%	01/01/14	12/31/13	3,643,260	3,643,260	1.00	3,643,260	1	0.04%
BBVA Compass MMA 1		0.22%	01/01/14	12/31/13	5,010,065	5,010,065	1.00	5,010,065	1	0.22%
BBVA Compass MMA 2		0.27%	01/01/14	12/31/13	14,544,716	14,544,716	1.00	14,544,716	1	0.27%
BBVA Compass MMA 3		0.15%	01/01/14	12/31/13	8,500,314	8,500,314	1.00	8,500,314	1	0.15%
BBVA Compass MMA 4		0.10%	01/01/14	12/31/13	1,500,037	1,500,037	1.00	1,500,037	1	0.10%
Comerica MMA		0.15%	01/01/14	12/31/13	9,039,550	9,039,550	1.00	9,039,550	1	0.15%
Southside Bank MMA		0.19%	01/01/14	12/31/13	10,053,994	10,053,994	1.00	10,053,994	1	0.19%
Southside Bank CD		0.55%	03/04/14	09/04/12	3,524,116	3,524,116	100.00	3,524,116	63	0.55%
Comerica Bank CD		0.37%	03/05/14	12/05/12	2,509,266	2,509,266	100.00	2,509,266	64	0.37%
Comerica Bank CD		0.37%	03/05/14	12/05/12	3,011,119	3,011,119	100.00	3,011,119	64	0.37%
Central National Bank CD		0.36%	04/26/14	04/26/13	2,003,611	2,003,611	100.00	2,003,611	116	0.36%
Comerica Bank CD		0.43%	06/05/14	12/05/12	3,012,925	3,012,925	100.00	3,012,925	156	0.43%
Independent Bank CD		0.26%	06/17/14	06/17/13	3,003,912	3,003,912	100.00	3,003,912	168	0.26%
Independent Bank CD		0.43%	08/01/14	05/01/13	5,010,844	5,010,844	100.00	5,010,844	213	0.43%
Central National Bank CD		0.46%	09/05/14	03/05/13	3,010,409	3,010,409	100.00	3,010,409	248	0.46%
Independent Bank CD		0.43%	09/12/14	06/12/13	3,006,471	3,006,471	100.00	3,006,471	255	0.43%
Central National Bank CD		0.46%	10/26/14	04/26/13	3,006,923	3,006,923	100.00	3,006,923	299	0.46%
Comerica Bank CD		0.47%	12/01/14	03/01/13	2,007,093	2,007,093	100.00	2,007,093	335	0.47%
Comerica Bank CD		0.43%	01/26/15	04/26/13	2,507,195	2,507,195	100.00	2,507,195	391	0.43%
Comerica Bank CD		0.57%	03/02/15	03/01/13	2,008,605	2,008,605	100.00	2,008,605	426	0.57%
Comerica Bank CD		0.57%	03/02/15	03/01/13	2,008,605	2,008,605	100.00	2,008,605	426	0.57%
Comerica Bank CD		0.53%	04/27/15	04/26/13	2,508,871	2,508,871	100.00	2,508,871	482	0.53%
					<b>\$ 155,220,783</b>	<b>\$ 155,220,783</b>		<b>\$ 155,220,783</b>	<b>64</b>	<b>0.20%</b>
									<b>(1)</b>	<b>(2)</b>

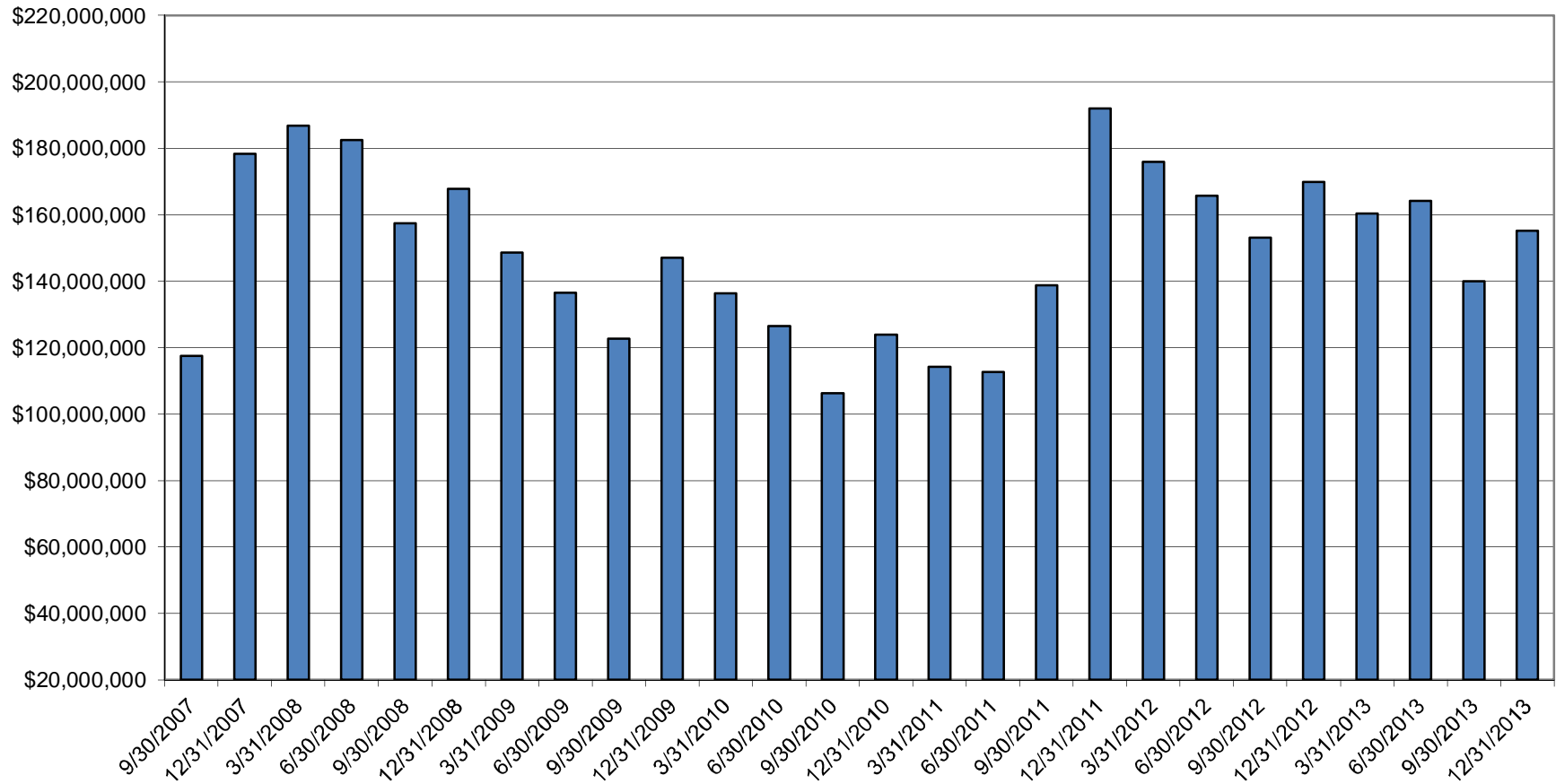
(1) **Weighted average life** - For purposes of calculating weighted average life, cash equivalent investments are assumed to have a one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for cash equivalent investments.

# Portfolio Composition



# Total Portfolio



## Book Value Comparison

Description	Coupon/ Discount	Maturity Date	September 30, 2013			December 31, 2013		
			Par Value	Book Value	Purchases/ Adjustments	Sales/Adjust/ Maturities	Par Value	Book Value
TexasTerm	0.04%	01/01/14	\$ 1,188,308	\$ 1,188,308	\$ 112	\$ -	\$ 1,188,421	\$ 1,188,421
TexPool	0.04%	01/01/14	40,112,572	40,112,572	19,487,888		59,600,460	59,600,460
TexStar	0.04%	01/01/14	3,642,894	3,642,894	366		3,643,260	3,643,260
BBVA Compass MMA 1	0.22%	01/01/14	5,007,244	5,007,244	2,820		5,010,065	5,010,065
BBVA Compass MMA 2	0.30%	01/01/14	14,534,697	14,534,697	10,019		14,544,716	14,544,716
BBVA Compass MMA 3	0.15%	01/01/14			8,500,314		8,500,314	8,500,314
BBVA Compass MMA 4	0.10%	01/01/14			1,500,037		1,500,037	1,500,037
Comerica MMA	0.15%	01/01/14	9,035,777	9,035,777	3,773		9,039,550	9,039,550
Southside Bank MMA	0.19%	01/01/14	10,049,066	10,049,066	4,928		10,053,994	10,053,994
Comerica Bank CD	0.31%	12/05/13	5,011,648	5,011,648		(5,011,648)		
Comerica Bank CD	0.31%	12/05/13	3,006,989	3,006,989		(3,006,989)		
Comerica Bank CD	0.61%	12/16/13	6,309,069	6,309,069		(6,309,069)		
Southside Bank CD	0.55%	03/04/14	3,519,290	3,519,290	4,826		3,524,116	3,524,116
Comerica Bank CD	0.37%	03/05/14	2,506,952	2,506,952	2,313		2,509,266	2,509,266
Comerica Bank CD	0.37%	03/05/14	3,008,343	3,008,343	2,776		3,011,119	3,011,119
Central National Bank CD	0.36%	04/26/14	2,001,795	2,001,795	1,816		2,003,611	2,003,611
Comerica Bank CD	0.43%	06/05/14	3,009,698	3,009,698	3,228		3,012,925	3,012,925
Independent Bank CD	0.26%	06/17/14	3,001,966	3,001,966	1,946		3,003,912	3,003,912
Independent Bank CD	0.43%	08/01/14	5,005,419	5,005,419	5,425		5,010,844	5,010,844
Central National Bank CD	0.46%	09/05/14	3,006,961	3,006,961	3,449		3,010,409	3,010,409
Independent Bank CD	0.43%	09/12/14	3,003,252	3,003,252	3,220		3,006,471	3,006,471
Central National Bank CD	0.46%	10/26/14	3,003,441	3,003,441	3,482		3,006,923	3,006,923
Comerica Bank CD	0.47%	12/01/14	2,004,743	2,004,743	2,350		2,007,093	2,007,093
Comerica Bank CD	0.43%	01/26/15	2,504,509	2,504,509	2,686		2,507,195	2,507,195
Comerica Bank CD	0.57%	03/02/15	2,005,754	2,005,754	2,852		2,008,605	2,008,605
Comerica Bank CD	0.57%	03/02/15	2,005,754	2,005,754	2,852		2,008,605	2,008,605
Comerica Bank CD	0.53%	04/27/15	2,505,559	2,505,559	3,312		2,508,871	2,508,871
<b>TOTAL</b>			<b>\$ 139,991,698</b>	<b>\$ 139,991,698</b>	<b>\$ 29,556,790</b>	<b>\$ (14,327,705)</b>	<b>\$ 155,220,783</b>	<b>\$ 155,220,783</b>



## Market Value Comparison

Description	Coupon/ Discount	Maturity Date	September 30, 2013		Qtr to Qtr Change	December 31, 2013	
			Par Value	Market Value		Par Value	Market Value
TexasTerm	0.04%	01/01/14	\$ 1,188,308	\$ 1,188,308	\$ 112	\$ 1,188,421	\$ 1,188,421
TexPool	0.04%	01/01/14	40,112,572	40,112,572	19,487,888	59,600,460	59,600,460
TexStar	0.04%	01/01/14	3,642,894	3,642,894	366	3,643,260	3,643,260
BBVA Compass MMA 1	0.22%	01/01/14	5,007,244	5,007,244	2,820	5,010,065	5,010,065
BBVA Compass MMA 2	0.30%	01/01/14	14,534,697	14,534,697	10,019	14,544,716	14,544,716
BBVA Compass MMA 3	0.00%	01/00/00			8,500,314	8,500,314	8,500,314
BBVA Compass MMA 4	0.00%	01/00/00			1,500,037	1,500,037	1,500,037
Comerica MMA	0.15%	01/01/14	9,035,777	9,035,777	3,773	9,039,550	9,039,550
Southside Bank MMA	0.19%	01/01/14	10,049,066	10,049,066	4,928	10,053,994	10,053,994
Comerica Bank CD	0.31%	12/05/13	5,011,648	5,011,648	(5,011,648)		
Comerica Bank CD	0.31%	12/05/13	3,006,989	3,006,989	(3,006,989)		
Comerica Bank CD	0.61%	12/16/13	6,309,069	6,309,069	(6,309,069)		
Southside Bank CD	0.55%	03/04/14	3,519,290	3,519,290	4,826	3,524,116	3,524,116
Comerica Bank CD	0.37%	03/05/14	2,506,952	2,506,952	2,313	2,509,266	2,509,266
Comerica Bank CD	0.37%	03/05/14	3,008,343	3,008,343	2,776	3,011,119	3,011,119
Central National Bank CD	0.36%	04/26/14	2,001,795	2,001,795	1,816	2,003,611	2,003,611
Comerica Bank CD	0.43%	06/05/14	3,009,698	3,009,698	3,228	3,012,925	3,012,925
Independent Bank CD	0.26%	06/17/14	3,001,966	3,001,966	1,946	3,003,912	3,003,912
Independent Bank CD	0.43%	08/01/14	5,005,419	5,005,419	5,425	5,010,844	5,010,844
Central National Bank CD	0.46%	09/05/14	3,006,961	3,006,961	3,449	3,010,409	3,010,409
Independent Bank CD	0.43%	09/12/14	3,003,252	3,003,252	3,220	3,006,471	3,006,471
Central National Bank CD	0.46%	10/26/14	3,003,441	3,003,441	3,482	3,006,923	3,006,923
Comerica Bank CD	0.47%	12/01/14	2,004,743	2,004,743	2,350	2,007,093	2,007,093
Comerica Bank CD	0.43%	01/26/15	2,504,509	2,504,509	2,686	2,507,195	2,507,195
Comerica Bank CD	0.57%	03/02/15	2,005,754	2,005,754	2,852	2,008,605	2,008,605
Comerica Bank CD	0.57%	03/02/15	2,005,754	2,005,754	2,852	2,008,605	2,008,605
Comerica Bank CD	0.53%	04/27/15	2,505,559	2,505,559	3,312	2,508,871	2,508,871
<b>TOTAL</b>			<b>\$ 139,991,698</b>	<b>\$ 139,991,698</b>	<b>\$ 15,229,085</b>	<b>\$ 155,220,783</b>	<b>\$ 155,220,783</b>

**Allocation**

**December 31, 2013**

<b>Book &amp; Market Value</b>	<b>Maturity Date</b>	<b>Total</b>	<b>General Operating</b>	<b>Special Revenue</b>	<b>Interest &amp; Sinking</b>	<b>Enterprise Funds</b>	<b>Capital Projects</b>	<b>KEDC</b>
TexasTerm	01/01/14	\$ 1,188,421	\$ 52,356	\$ -	\$ 71	\$ 52,242	\$ 1,083,752	\$ -
TexPool	01/01/14	59,600,460	7,716,813	870,639	14,905,401	11,086,412	20,379,574	4,641,621
TexStar	01/01/14	3,643,260	2,428,840			1,214,420		
BBVA Compass MMA 1	01/01/14	5,010,065	2,003,965			3,006,100		
BBVA Compass MMA 2	01/01/14	14,544,716					14,544,716	
BBVA Compass MMA 3	01/01/14	8,500,314	5,000,185			3,500,129		
BBVA Compass MMA 4	01/01/14	1,500,037				1,500,037		
Comerica MMA	01/01/14	9,039,550	3,013,756				6,025,795	
Southside Bank MMA	01/01/14	10,053,994	4,021,407				6,032,587	
Southside Bank CD	03/04/14	3,524,116				3,524,116		
Comerica Bank CD	03/05/14	2,509,266	2,509,266					
Comerica Bank CD	03/05/14	3,011,119				3,011,119		
Central National Bank CD	04/26/14	2,003,611					2,003,611	
Comerica Bank CD	06/05/14	3,012,925				3,012,925		
Independent Bank CD	06/17/14	3,003,912					3,003,912	
Independent Bank CD	08/01/14	5,010,844					5,010,844	
Central National Bank CD	09/05/14	3,010,409	3,010,409					
Independent Bank CD	09/12/14	3,006,471				3,006,471		
Central National Bank CD	10/26/14	3,006,923					3,006,923	
Comerica Bank CD	12/01/14	2,007,093				2,007,093		
Comerica Bank CD	01/26/15	2,507,195					2,507,195	
Comerica Bank CD	03/02/15	2,008,605	2,008,605					
Comerica Bank CD	03/02/15	2,008,605				2,008,605		
Comerica Bank CD	04/27/15	2,508,871					2,508,871	
<b>Totals</b>		<b>\$ 155,220,783</b>	<b>\$ 31,765,600</b>	<b>\$ 870,639</b>	<b>\$ 14,905,473</b>	<b>\$ 36,929,670</b>	<b>\$ 66,107,781</b>	<b>\$ 4,641,621</b>

**Allocation**

**September 30, 2013**

<b>Book &amp; Market Value</b>	<b>Maturity Date</b>	<b>Total</b>	<b>General Operating</b>	<b>Special Revenue</b>	<b>Interest &amp; Sinking</b>	<b>Enterprise Funds</b>	<b>Capital Projects</b>	<b>KEDC</b>
TexasTerm	10/01/13	\$ 1,188,308	\$ 52,351	\$ -	\$ 71	\$ 52,237	\$ 1,083,649	\$ -
TexPool	10/01/13	40,112,572	815,139	884,041	2,419,976	12,285,016	18,802,473	4,905,928
TexStar	10/01/13	3,642,894	2,428,596			1,214,298		
BBVA Compass MMA 1	10/01/13	5,007,244	2,002,836			3,004,408		
BBVA Compass MMA 2	10/01/13	14,534,697					14,534,697	
Comerica MMA	10/01/13	9,035,777	3,012,498				6,023,279	
Southside Bank MMA	10/01/13	10,049,066	4,019,435				6,029,631	
Comerica Bank CD	12/05/13	5,011,648	5,011,648					
Comerica Bank CD	12/05/13	3,006,989				3,006,989		
Comerica Bank CD	12/05/13	3,008,343				3,008,343		
Comerica Bank CD	12/16/13	6,309,069					6,309,069	
Southside Bank CD	03/04/14	3,519,290				3,519,290		
Comerica Bank CD	03/05/14	2,506,952	2,506,952					
Central National Bank CD	04/26/14	2,001,795					2,001,795	
Comerica Bank CD	06/05/14	3,009,698				3,009,698		
Independent Bank CD	06/17/14	3,001,966					3,001,966	
Independent Bank CD	08/01/14	5,005,419					5,005,419	
Central National Bank CD	09/05/14	3,006,961	3,006,961					
Independent Bank CD	09/12/14	3,003,252				3,003,252		
Central National Bank CD	10/26/14	3,003,441					3,003,441	
Comerica Bank CD	12/01/14	2,004,743				2,004,743		
Comerica Bank CD	01/26/15	2,504,509					2,504,509	
Comerica Bank CD	03/02/15	2,005,754	2,005,754					
Comerica Bank CD	03/02/15	2,005,754				2,005,754		
Comerica Bank CD	04/27/15	2,505,559					2,505,559	
<b>Totals</b>		<b>\$ 139,991,698</b>	<b>\$ 24,862,169</b>	<b>\$ 884,041</b>	<b>\$ 2,420,047</b>	<b>\$ 36,114,026</b>	<b>\$ 70,805,487</b>	<b>\$ 4,905,928</b>



# City of Killeen

## Legislation Details

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**File #:** CA-14-032    **Version:** 1    **Name:** Solid Waste Master Plan and Rate Study  
**Type:** Resolution/Consent Agenda    **Status:** Consent Agenda  
**File created:** 2/19/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider a memorandum/resolution to authorize the award of a professional services contract to SCS Engineers to prepare a Solid Waste Master Plan and Rate Study.  
**Sponsors:** Solid Waste, Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Scope of Services](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Authorize the award of a professional services contract to SCS Engineers to prepare a Solid Waste Master Plan and Rate Study for the Solid Waste Division**

### ORIGINATING DEPARTMENT

**Public Works - Solid Waste Division**

### BACKGROUND INFORMATION

Goal #10 of the City's Vision 2030 plan establishes that the City's Solid Waste Division should have an updated master plan every five years. It has been over five years since the City's Solid Waste Division has undergone a comprehensive review of its operations. In order for the Solid Waste Division to plan for future growth, capital outlay, personnel projections, and the best possible service to the citizens of Killeen, a solid waste master plan and associated rate study are imperative to determine future courses of action and the effects of the same.

### DISCUSSION/CONCLUSION

Attached hereto is a proposed scope of services from SCS Engineers to develop a solid waste master plan and rate study for the City's Solid Waste Division. SCS Engineers is included within the City's pre-qualified list of professional service companies (see CCM/R 11-175R) and, further, it is noted that SCS Engineers is a consulting firm with expertise that specializes in municipal solid waste (MSW). For example, the *Engineering News Record* ranked SCS Engineers as the number one firm in the United States providing solid waste services. In addition, the proposed project lead, Mr. Jeff Arrington of SCS Engineers, was the engineer of record for the closure of the City's landfill and the Texas National Guard Parking Lot project, and SCS Engineers was the firm that engineered the City's new Transfer Station. As such, City staff considers SCS Engineers the most qualified professional services company to provide the requested services.

The attached scope of services includes the development of a 20-year master plan that will be a comprehensive assessment, addressing a range of solid waste issues over the planning period. The City's current collection and recycling operations will be reviewed in order to develop recommendations for enhancement and additional efficiency. Transfer station operations, disposal costs and alternatives, including the addition of single stream recycling, will be analyzed. As part of this planning effort, SCS Engineers will also perform a rate study/model that will analyze the current cost of solid waste services as well as costs and future rates for alternatives that will affect the City's solid waste management system over a 20-year planning period.

### FISCAL IMPACT

Funding in the amount of \$140,000 is available in the Professional Services accounts in the Solid Waste Fund (\$23,082 in 540-3475-439.44-20 and \$116,918 in 540-9595-439.44-20).

## **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to enter into an agreement with SCS Engineers for professional engineering services and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.



**Scope of Services for  
Developing a Solid Waste Plan and Rate Study**

*Presented To:*



**City of Killeen**  
Department of Solid Waste Services  
Killeen, Texas

*Presented By:*

**SCS ENGINEERS**

1901 Central Drive, Suite 550  
Bedford, TX 76021  
Phone: (817) 571-2288  
Fax: (817) 571-2188

February 2014  
File No. 160008214.00

## SCOPE OF SERVICES

### PROJECT UNDERSTANDING

Per our recent discussions, the City of Killeen is interested in developing a solid waste plan and rate study for the City's solid waste services. Our proposed scope of services includes the development of a 20-Year Master Plan (Plan) that will be a comprehensive assessment, addressing a range of solid waste issues over the planning period. The City's current collection and recycling operations will be reviewed in order to develop recommendations for enhancement. Transfer operations and disposal costs will be assessed and alternatives, including the addition of single stream recycling and material recovery facility (MRF), will be considered. As part of this planning effort, SCS will perform a rate study that analyzes the current cost of solid waste services as well as costs and future rates for the selected alternative solid waste management system over a 20-year planning period.

### SCOPE OF SERVICES

In view of the Project Understanding noted above, SCS presents the following scope of services for the City's consideration:

#### **Task 1: Project Management, including Meetings with City and Request for Information and Data Gathering**

The purpose of this task is to monitor and control the scope, schedule, and budget, as well as provide monthly status reporting, accounting, and invoicing throughout all phases of the project, including meetings with the City at appropriate phases during the project. As such, we envision that this task will include the following:

- Prepare kick-off meeting agenda, meeting notes, and action items.
- Prepare for and participate in a kick-off meeting with the City which will include the following agenda items: goals (including defining the planning area for the study), project scope, schedule, methodology, information needs, and project communications.
- Coordinate and manage the project team.
- In view of SCS' and Jeff Arrington's history of providing solid waste services to the City, and its closed landfill and transfer station, SCS's needs for information to develop this master plan will be limited largely to the following:
  - Detailed budgets for the City's solid waste department, including appropriate data on equipment, personnel, overhead, and contract expenses.
  - City ordinances on solid waste and recycling including non-compliance charges, roll-off franchise fee, and other related ordinances.
  - Interlocal agreements with regard to solid waste.



- Pertinent contracts and terms such as CPI and fuel prices.
- General information on recycling and collection programs.
- Other programs such as yard waste management (e.g., frequency and cost of contracting for wood waste chipping to create mulch).
- Information on quantities and characteristics of waste received at the transfer station, in addition to the data included in the TCEQ annual waste tonnage reports (if available).
- Financial data for current solid waste system.
- Information on related City programs, particularly with regard to cooperative agreement with Bell County WCID and the composting operation located adjacent to the transfer station at the closed landfill.
- Other services that the Solid Waste Department provides that may be material to the objective of increasing the cost-effectiveness of the City's overall solid waste programs.

## **Task 2: Prepare Population and Waste Projections**

Our Task 2 scope will include the following:

- SCS will utilize recent data that is available from the state, the City, and the Centex Council of Governments (COG) to prepare population projections for the planning area for the 20-year planning period.
- Review the current City Comprehensive Plan, if available, regarding population projections.
- Review pertinent data from the TCEQ and the COG regarding disposal, diversion and recycling.
- Prepare existing waste generation analysis using the following methods:
  - Define the planning area for the purposes of the City's solid waste plan.
  - Review of the waste streams and related sources. In particular, this effort will strive to distinguish waste generated by residential and commercial sources from within the City of Killeen and areas outside the City that are considered to be within the planning area for this plan.

- Review data on waste quantities and types in the annual waste tonnage reports for the transfer station submitted to the TCEQ to assess the portion of the waste stream associated with the following:
  - City of Killeen residential population
  - Private waste haulers, if any
  - C&D waste (principally trucks with roll-off containers)
  - Brush and green waste
- Estimate waste composition of the current solid waste stream based on existing available information from City records and previous waste composition studies performed by SCS.
- Per capita waste generation rate for the state of Texas, i.e., 6.5 pounds/person/day
- Review projections on recycling and diversion rates to develop estimates for future waste flows.
- Utilizing data from the above, prepare 20-year waste generation projections for use in other parts of the Plan. Projections will include selected scenarios, which will include non-City sources, based on discussions with the City.

### **Task 3: Identify Key Issues and Define Goals and Objectives**

Our Task 3 scope will include the following:

- Review and discuss goals and objectives of the Plan and work with the City to develop and rank priorities. Note: we envision that the outline provided by the City at our meeting on January 9<sup>th</sup> will be very useful in defining the goals and objectives.
- Review existing systems with City staff.
- Review adequacy of current systems to meet existing and future needs, and identify options for enhancing the following systems:
  - Collection
  - Transfer Station Facilities and Operations
  - Recycling and Waste Diversion
  - Disposal Options
  - Education and Outreach

- Waste Conversion Technologies
- Identify important issues and areas of concern to be addressed in the Plan, and prioritize the list based on input from the City.

Develop brief Technical Memorandum summarizing:

- Existing solid waste system policies, programs, facilities, and key issues for each operational area.
- Plan Goals and Objectives with input from City.

Summarize current and potential future regulations that will affect the management of the City's solid waste.

#### **Task 4: Detailed Review and Analysis of Current Solid Waste Management System**

This task will identify the current solid waste management practices and analyze rates based on the current system. SCS will utilize information gathered in Task 1 to perform an analysis of the current solid waste rates. To that end, this task will include the following:

- Review the current solid waste system including collection, recycling and transfer operations as well as the contracts for hauling and disposal. Review and document all system components including: equipment, personnel, residential and commercial collection operations, recycling facilities and programs, current waste diversion efforts, transfer facilities and operations, transfer hauling and disposal contracts and costs.
- Review the current solid waste department organization structure as it relates to the City's organization.
- Other operations that are conducted by the City's solid waste department will also be reviewed and included in this analysis. Note: SCS will rely on costs and manpower information for these non-solid waste services provided by the City.

##### **Task 4.1: Current Waste Collection System Review and Analysis**

Using the budgetary data and other information obtained during the prior tasks, including the Kick-off meeting, the SCS team will become familiar with the City's existing collection programs. This information will be supplemented through interviews with the Director of Solid Waste Services and key managers of the City's staff who are responsible for the collection and recycling programs. Further, SCS will briefly review the City's residential and commercial collection routes and the City's approach to providing services for open-top, roll-off containers. Through this background data gathering, SCS will become familiar with these programs, and therefore opportunities for improvements. The following will be considered:

- Residential and commercial collection routes and current cart system

- Current work week schedule and potential five-day schedule
- Yard waste collection
- Special collection programs including brush and bulky items
- Equipment and software for residential and commercial collection
- Container maintenance facility and operations
- Code enforcement (as related to solid waste management)

As a background review, SCS will review not only the statistics on the City's operations, but also data on operations of similar benchmark cities that are included in SCS' database. We will then present initial findings and recommendations to the City as part of the screening process for a qualitative comparison of selected improvements and changes to the current system.

#### **Task 4.2: Current Recycling Programs Review and Analysis**

Based on the goals and objectives identified in Task 3, SCS will review the City's existing recycling programs and new recycling initiatives that will help achieve the City's goal of increased waste diversion. Recycling and waste diversion options will be identified and evaluated in this task to develop a short list of potential options for further analysis in later tasks. SCS will consider the following:

- Review existing waste reduction and recycling programs, including data on the types and quantities of materials that are presently impacted by these programs.
- Review the planned single stream recycling program including proposed changes to collection programs and proposed use of City facilities for recycling.
- Review the KRC and drop-off centers and their future role in the City's recycling program including special collection events such as tires and electronics.
- Review current subscription service program and assess the future of this program in view of single stream plans.
- Review current work week schedule and potential changes to the schedule due to new programs.
- Review brush collection and diversion programs.
- Review the current diversion of brush to WCID and consider the potential addition of yard waste.
- Consider the potential for commercial recycling and its potential for diversion of more materials from the transfer station.

- Consider the establishment of a C & D recycling program at the City's closed landfill.

SCS will provide a summary of current recycling programs and recommend additional programs that will support the City's goals and objectives. The new programs will be evaluated with regard to their effectiveness in diverting waste and potential cost to implement. The selected options will be analyzed in Task 7 and considered if appropriate in the analysis of future rates.

#### **Task 4.3: Current Transfer and Disposal System Review and Analysis**

The City currently operates a solid waste transfer station that receives all of the waste collected within the City as well as some waste hauled directly by individuals. This task includes a review of the existing systems and identification of future needs in view of the potential changes to the waste stream as result of other programs. This will include a review of the current capacity of the facility and potential need for expansion in the future. SCS will meet with the City's solid waste staff to review the planned improvements for the facility and potential operational, equipment and personnel needs. Some of the items to be reviewed include the following:

- The timing and need for new equipment such as knuckle boom cranes and controls.
- The current and future management of contaminated water including the feasibility of onsite management vs removal and treatment.
- Existing citizens' drop-off center at the transfer station and future management.
- Current gatehouse operations and planned changes.
- Personnel needs.
- Capital improvement needs to maintain current and planned programs.
- Hauling and disposal contracts.
- Review current work week schedule and potential changes to the schedule due to new programs.
- Evaluate the status of current permits and identify potential changes needed to maintain or upgrade these authorizations.
- Review planned use of the old transfer building and the surrounding site.
- Review the potential effects of planned changes to the collection and recycling programs on the transfer station operation and facilities.

SCS will summarize the review and recommendations from this task. Potential changes to the operations will be identified and incorporated into the financial analysis and establishment of future rates to be performed in later tasks.

## **Task 5: Assess Future Recycling, Transfer and Disposal Alternatives**

### **Subtask 5.1: Review and Identify Candidate Alternatives.**

In consultation with the City, SCS will develop recommended alternatives for future management of the City's solid waste for further analysis. We will meet with staff to narrow the list of options for further analysis. The selected options will be assessed and developed into financial models for later use in establishing rates.

Options that will be considered to address the City's future needs include the following:

- The current waste management program including the subscription recycling services (with due recognition of the cost of this service) and transfer station operations with out-sourced hauling and disposal services.
- Continue transfer station operations with out-sourced hauling and disposal services for the future with increased recycling, waste diversion, and waste reduction as determined from prior tasks.
- Implement a single stream recycling program with contracted processing and distribution of recycled materials. This option is currently in the implementation stage and will be considered in this task. It is assumed that the cost estimates for this program based on contractor bids will be made available to SCS.
- Consider increasing the waste tonnage from sources outside the City (as identified in Task 2) into the transfer station for increased revenue potential.
- Review the feasibility of establishing a C & D operation at the landfill or transfer station to increase diversion of waste from the transfer station.
- Consider the effect of fewer landfill options on future disposal cost.

### **Subtask 5.2: Assessment of Candidate Alternatives.**

Each of the above alternatives will need to be considered in view of appropriate evaluation criteria, including capital cost, operating cost, regulatory acceptability, public acceptance, and other considerations. SCS will conduct an assessment of alternatives. However, prior to conducting this detailed assessment, SCS proposes to meet with the City and review these options in depth in order to refine the focus of this assessment.

Following a meeting with the City to review the various alternatives, we will select the potentially viable alternatives for further analysis, including Pro Forma cost analysis. SCS will develop a matrix which summarizes the potentially viable alternatives that will have been

reviewed in Tasks 4 and 5. This matrix will portray the important characteristics of all potentially viable alternatives in order to support the selection of the most favorable alternatives that will be further assessed in a pro forma analysis. In view of the importance of this selection, we propose to meet with the City to review the various alternatives and participate in the selection of the alternatives for further evaluation.

### **Task 6: Pro Forma Financial Analysis**

SCS will develop an overall financial model (Pro Forma Model) which will take into consideration capital and operation and maintenance costs. To accommodate the various types of business models needed to analyze the feasibility of solid waste projects, SCS has developed a variety of different types of pro forma models that allow us to tailor the financial statements to the City's specific project. This project-specific Pro Forma Model will be developed with appropriate consideration of the dynamics that influence the market during the 20-year planning period. We anticipate crafting a very flexible financial assessment model, which will consider the top-ranked alternatives and incorporate major project feasibility factors, to help answer appropriate "what if" questions.

### **Task 7: Rate Study**

Based on the work performed for the solid waste plan in Tasks 1 through 6, SCS will utilize this information to perform a rate analysis of the current and planned future solid waste systems that have been modeled in Task 6. The Pro Forma Models will enable SCS to provide the City with an analysis of the rate impacts of system changes in this task. The rate study has been divided into 8 subtasks that will result in a completed rate study that will be summarized in a final report.

#### **Subtask 7.1 - Identify and Establish Objectives**

Customer rates must be in alignment with the mission of the City. At the outset of performing the rate study, SCS will work with the City to identify and prioritize its ratemaking objectives and consider how these objectives support the mission of the City in providing solid waste services.

#### **Subtask 7.2 - Develop a Roadmap**

We will then develop a roadmap, which will detail all appropriate facets of the utility rate design, how they interact together, and how the utility rate process interfaces with the City's current annual budget and capital improvement plan process.

#### **Subtask 7.3 - Gather and Analyze Historical Information**

Establishing or adjusting future solid waste rates requires projecting expected revenues at existing rates and forecasting revenue requirements. An important aspect of predicting a 10-year forecast of revenues and expenditures is to understand the past operating performance since the last rate analysis.

#### **Subtask 7.4 - Use Current Customer Data to Calculate Actual Revenues at Existing Rates**

The next step in the ratemaking process is to use the current customer census information to calculate the existing revenue, and compare that calculated revenue to the actual revenue recorded in the City's accounting system. Each of the individual solid waste rates would then be extended by the number of customers that are charged that rate.

#### **Subtask 7.5 - Project Revenue Requirements**

The "revenue requirement" is just what it implies. It is the total amount of money the City must collect to pay expenditures needed to provide its targeted levels of service while meeting its financial requirements (e.g., funding debt service obligations, maintaining coverage ratios, maintaining fund balance requirements, etc.). The revenue requirement also will include capital expenditures that are paid out of current rates and not paid by bond proceeds.

The revenue requirement at the time of ratemaking will be determined by annualizing the fiscal year-to-date cash expenditures. Additionally, adjustments would be made by SCS for any significant non-recurring expenditures (e.g., one-time payments at the end of the fiscal year).

Revenue requirements for future years (e.g., through 2024) would then be projected by applying anticipated changes in the expenditures to the current revenue requirement. These changes may include such items as: inflation, increases in worker' wages, fuel adjustments, hauling, and disposal fee adjustments. They may also include expected costs for new projects and new programs. In addition to projected cash expenditures and any potential bonding needs, any adjustments will be made to account for required increases, if any, in fund balance ("cash reserves"), debt coverage ratios, or City financial policies.

#### **Subtask 7.6 - Allocate Revenue Requirements for Each Customer Class and Type of Service**

The next step in the ratemaking process is for SCS to determine how much of the revenue required should come from each customer sector (i.e., residential, commercial, transfer station tipping, special waste rates, etc.). The purpose of allocating the revenue requirements among customer classes is two-fold. This comparison enables SCS to help determine the extent to which the City is achieving the goal of rate equity among its customer classes.

#### **Subtask 7.7 - Design New Rates for Each Customer Group**

Once the preceding six steps are completed, SCS will finalize the Pro Forma Model to enable development of alternative rate designs for solid waste services. SCS will then work with the City to utilize the Pro Forma Model, which will be constructed specifically for this project, to construct a series of sensitivity analyses to evaluate the rate impact of various critical parameters such as changes to the consumer price index (CPI), fuel costs, cash versus debt financing, and alternative levels of services.



### **Subtask 7.8 - Evaluate How New Rates Conform to Rate Making Objectives**

It is important that the results of the various proposed rate structures be evaluated against the initial objectives established for the project. At the conclusion of Subtask 7.8, SCS will coordinate with the City in evaluating how the new rates conform to the initial rate making objectives. In concert with this effort, SCS will conduct a benchmarking effort of representative cities in Texas to compare these rates with those of other communities of comparable size.

#### **Deliverables:**

Final Rate Study Report summarizing the results of SCS' Pro Forma Financial Model of the selected scenario. The existing rate study analysis will be included as part of this task.

### **Task 8: Develop Implementation Schedule, Budget and Administrative Requirements for Key Elements of the Plan**

Our Task 8 scope will include the following:

- Prepare implementation schedule for short and long term phases.
- Develop multi-year financial forecasts for the implementation of the recommended plan.
- Identify need for proposing new City Ordinances (as appropriate).

#### **Deliverables:**

- Draft implementation schedule.
- Draft multi-year budget for plan implementation.

### **Task 9: Prepare Draft and Final Solid Waste Management Plan and Rate Study**

Our Task 9 scope will include the following:

- Incorporate the technical memorandum and other data and information from the previous tasks into the various chapters of the Preliminary Draft Plan.
- Prepare the Draft Solid Waste Plan and Rate Study to include the analysis and accompanying text developed from the previous tasks.

We will submit the Preliminary Draft Plan and study for review by City staff. We will revise this version of the Plan to address the City's comments and prepare the Final Plan for

distribution to the City. SCS will present the final plan to the City Council or committee as appropriate.

**Deliverables:**

- Draft Solid Waste Management Plan and Rate Study
- Final 20-Year Solid Waste Management Plan
- Final Rate Study Report

**ALLOWANCE**

The preceding Scope of Services has been developed based on our understanding of the project. The allowance budget is recommended for engineering and technical services that may be required during the period of this scope of services, but could not be anticipated at the time of authorizing this initial scope. Services provided under the allowance will be performed only as directed by the City and may include the following services:

- Additional meetings or meetings with agencies other than those noted above.
- Other services as deemed necessary by the City's management team.
- Waste composition study for the City of Killeen.
- Waste conversion alternatives analysis.
- Detailed route optimization study.
- Public Involvement and Outreach.
- Expanding the Plan to meet the guidelines of the TCEQ's 30 TAC Chapter 330, Subchapter O, "Regional and Local Solid Waste Management Planning and Financial Assistance General Provisions".

To obtain the City's authorization for out-of-scope services, such as those listed in the Allowance, we will submit a scope of services and proposed budget for each work effort for the City's review and approval. At the City's discretion, services under the Allowance can be performed on a lump sum or time-and-materials basis. Further, any charges to Allowance tasks will be fully detailed in our invoices.

## FEE AND SCHEDULE

SCS can initiate work on this project upon receiving a notice-to-proceed from the City. Consistent with the guidance from the City, SCS will prepare the draft Solid Waste Management Plan and rate study within six months of receiving notice to proceed (NTP) from the City. Within 60 days of receiving NTP, SCS will provide an interim report and pro forma analysis of the proposed single stream recycling program that includes an analysis of single cart vs multi-cart collection systems. Within two weeks of the NTP, we will prepare a detailed schedule, including milestones for the various tasks and targeted dates for key meetings. SCS proposes to perform the services described in Tasks 1 through 9 on a lump sum basis, as noted in the following table. As noted above, Allowance services will require a separate authorization from the City.

<b>Task No.</b>	<b>Task Description</b>	<b>Fee</b>
	<b>20-YEAR SOLID WASTE MASTER PLAN AND RATE STUDY</b>	
1	Project Management, including Meetings with City and Request for Information	\$12,000
2	Prepare Population and Waste Projections	\$9,000
3	Identify Key Issues and Refine Goals and Objectives	\$4,000
4	Current Solid Waste System Review and Analysis	
4.1	Current Collection System Review and Analysis	\$12,500
4.2	Current Recycling Programs Review and Analysis	\$13,500
4.3	Current Transfer and Disposal Systems and Analysis	9,000
5	Analysis of Alternatives	
	Subtask 5.1: Review and Identify Candidate Alternatives	\$4,000
	Subtask 5.2: Assess Alternatives	6,000
6	Pro Forma Financial Analysis	\$15,000
7	Rate Analysis	\$20,000
8	Develop Implementation Schedule, Budget & Admin. Requirements for Key Elements of the Plan	\$3,000
9	Prepare Draft and Final Solid Waste Management Plan and Rate Study	\$22,000
	Allowance	\$10,000
<b>TOTAL</b>		<b>\$140,000</b>



# City of Killeen

## Legislation Details

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**File #:** CA-14-033    **Version:** 1    **Name:** Bid No. 14-05 for Tire Services  
**Type:** Resolution/Consent Agenda    **Status:** Consent Agenda  
**File created:** 2/18/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider a memorandum/resolution awarding Bid No. 14-05 to Colliver Tire Service for Fleet Services.  
**Sponsors:** Support Services Department, Fleet Services  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Tire Service Bid Sheet](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Bid No.14-05 Tire Service**

### ORIGINATING DEPARTMENT

**Support Services/Fleet Services**

### BACKGROUND INFORMATION

Colliver Tire Service in Waco, Texas, has provided the City with tire services for heavy trucks and off-road equipment on an as-needed basis since 2005. This service includes delivery, installation, balancing, repair, rotating, evaluation, removal, retreading, plugging and disposal. The City has a separate contract for tire purchase with Southern Tire Mart, LLC, also located in Waco; this contract expires in November 2014. Colliver has provided outstanding support; however, staff believes a better approach is to establish a life-cycle contract for tire services from purchase to disposal.

Purchasing advertised a Request for Proposal on Sunday, January 19, 2014. It included a provision for potential tire purchase in the future. Bids were opened and read aloud on Thursday, February 6, 2014, at 2:15 PM. Extended bid calculations were based upon two previous typical months of service calls and extrapolated out to an estimated annual cost.

The contract awarded under this bid would be a one (1) year contract with the option to renew for three (3) additional one (1) year periods. The contract would be awarded immediately following Council's approval.

### DISCUSSION/CONCLUSION

There were two (2) vendors that submitted bids; the annual estimated cost per vendor based on submitted bid pricing is as follows:

Colliver Tire Service	\$221,983.50
Southern Tire Mart, LLC	\$239,796.00

Colliver Tire Service presents the best value based on demonstrated performance and lowest cost.

### FISCAL IMPACT

Funds are available in account 550-2033-415.43-15. By accepting the bid from Colliver Tire Service, there is no change in the anticipated annual expense since the bid pricing is the same as that currently paid.

## **RECOMMENDATION**

Staff recommends awarding the tire services annual contract to Colliver Tire Service and that the City Manager or the designated representative is expressly authorized to execute any and all change orders within the amounts set by state and local law.

**Bid 14-05, Tire Services**

Bids Due: February 6, 2014 @ 2:00PM Bid Opening: February 6, 2014 @ 2:15PM

**BID TABULATION SHEET**

Services	Vendor Name/Price:		No. per Typ. Mo.		Extended	
	Colliver Tire Services	Southern Tire Mart, LLC	Hot August	Cold December	Colliver Tire	Southern Tire
<b>12.1 Service Call</b>						
Normal Hours 0700-1700	\$ 75.00	\$ 90.00	40	56	\$ 7,200.00	\$ 8,640.00
After Hours: 1700-0700	\$ 75.00	\$ 150.00	6	11	\$ 1,275.00	\$ 2,550.00
Holidays: Those observed by the City of Killeen	\$ 75.00	\$ 150.00		1	\$ 75.00	\$ 150.00
outside of Killeen City limits	\$ 0.75 + \$1 per mile	\$ 0.90 + \$.75 per mile				
<b>12.2 Fleet Tire Evaluations (per 3.3 &amp; 3.4)</b>						
Weekly Fleet Evaluation	\$ 50.00	\$ 90.00	4	4	\$ 400.00	\$ 720.00
Monthly Fleet Evaluation	\$ 50.00	\$ 90.00	1	1	\$ 100.00	\$ 180.00
<b>12.3 Tire Installation Service</b>						
15"-19.5"	\$ 20.00	\$ 15.00	3	4	\$ 140.00	\$ 105.00
22.5"-24.5"	\$ 25.00	\$ 20.00	79	69	\$ 3,700.00	\$ 2,960.00
Ag/Off-Road	\$ per cross sec 3.00	\$ 30.00	1	4	\$ 150.00	\$ 150.00
24/25 O Ring	\$ 15.00	\$ 65.00				
Valve Stems	\$ 7.50	\$ 3.00				
<b>12.4 Tire Repair Service</b>						
15"-19.5"	\$ 20.00	\$ 20.00	1		\$ 20.00	\$ 20.00
22.5"-24.5"	\$ 25.00	\$ 25.00	16	12	\$ 700.00	\$ 700.00
Ag/Off-Road	\$ per cross sec. 3.00	\$ 40.00				
24/25 O Ring	\$ 15.00	\$ 75.00				
Valve Stems	\$ 7.50	\$ 3.00	5	4	\$ 67.50	\$ 27.00
<b>12.5 Wheel services during installation of tires, or repair of tires</b>						
	NC	\$25 Referb				
<b>12.6 Scrap tire analysis and consultation</b>						
	NC	NC				
<b>12.7 Tire Retread Services</b>						
26/32" drive tire - (OPTION. HAVE NOT PURCHASED IN THE PAST.)						
11R22.5	\$ 182.00	\$ 174.00				
12R22.5	\$ 187.00	\$ 180.00				
315/80R22.5	\$ 223.00	\$ 245.00				
22/32" drive tire - (CURRENTLY PURCHASED)						
11R22.5	\$ 154.00	\$ 168.00	61	55	\$ 17,864.00	\$ 19,488.00
12R22.5	\$ 162.00	\$ 180.00	0	0		
315/80R22.5	\$ 188.00	\$ 235.00	2	2	\$ 752.00	\$ 940.00
<b>12.8 Tire casings when required</b>						
11R22.5	80-100	\$ 60.00	24	26	\$ 4,000.00	\$ 3,000.00
12R22.5	80.00	\$ 30.00				
315/80R22.5	80-100	\$ 40.00				
<b>12.9 Solid rubber tire filling Service Price per pound</b>						
	\$ 1.75	\$ 1.59 solid rubber 0.96 for granular				
<b>12.10 Tire Disposal Service Price by size:</b>						
11R22.5	\$ 10.00	\$ 5.00	6	6	\$ 120.00	\$ 60.00
12R22.5	\$ 10.00	\$ 5.00	4	2	\$ 60.00	\$ 30.00
315/80R22.5	\$ 15.00	\$ 6.00	5	10	\$ 225.00	\$ 90.00
385/65R22.5	\$ 15.00	\$ 6.00	3	2	\$ 75.00	\$ 30.00
425/65R22.5	\$ 15.00	\$ 6.00	1	0	\$ 15.00	\$ 6.00
445/65R22.5	\$ 20.00	\$ 6.00	0	0	\$ -	\$ -
Off Road/AG: Price by Cross Section	\$ 3.00	\$ 8.00	4	11	\$ 45.00	\$ 120.00
Two Month Cost					\$ 36,983.50	\$ 39,966.00
Annual Estimated Cost					\$ 221,901.00	\$ 239,796.00



# City of Killeen

## Legislation Details

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**File #:** CA-14-034    **Version:** 1    **Name:** Network Switch Purchases  
**Type:** Resolution/Consent Agenda    **Status:** Consent Agenda  
**File created:** 1/30/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider a memorandum/resolution for the procurement of network and core switches through the co-operative purchasing network -Texas Department of Information Resources.  
**Sponsors:** Information Technology Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Purchase for Replacing Network Switching**

### ORIGINATING DEPARTMENT

**INFORMATION TECHNOLOGY**

### BACKGROUND INFORMATION

The Information Technology Department (IT) replaces network and core switches annually in accordance with the city's annual planned obsolescence replacement plan. Our network system is currently comprised of more than 180 network switches and four core switches that operate on a five-year replacement cycle.

### DISCUSSION/CONCLUSION

The IT Department is seeking approval to purchase network and core switches with costs exceeding \$50,000 to be purchased through one vendor, the Texas Department of Information Resources (DIR), HP, Inc. and Mobius Partners under state contract (DIR-SDD-1364). The DIR is a co-operative purchasing network, and therefore falls within the exemptions listed in Texas Local Government Code (TLGC) 252.022, which exempts the City from the competitive bidding process. The staff will be replacing 43 of the oldest switches and three core switches in order to increase performance and redundancy. The current switch infrastructure was put in place in 2004.

### FISCAL IMPACT

Funds for this replacement plan (\$188,000) have been included in the 2013-2014 budget in various computer hardware accounts in the non-departmental General Fund (\$73,659), KCCC Fund (\$11,196), Aviation Fund (\$10,676), Solid Waste Fund (\$10,273), Water and Sewer Fund (\$73,542) and Drainage Utility Fund (\$8,654). Costs of each network and core switch will vary, depending on its primary use.

### RECOMMENDATION

The IT Department staff requests that the City Council approve the purchase of network and core switches as part of the five-year replacement cycle established for the network.



# City of Killeen

## Legislation Details

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**File #:** PH-14-015A    **Version:** 1    **Name:** Budget Amendment Trimmier AFA  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearing/Ordinances  
**File created:** 2/20/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Reimbursement Resolution Trimmier Expenditure Account by \$37,448 for the Trimmier Road widening project from US 190 to Bacon Ranch Road.  
**Sponsors:** Public Works Department, Transportation Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**AN ORDINANCE AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE REIMBURSEMENT RESOLUTION TRIMMIER EXPENDITURE ACCOUNT BY \$37,448 FOR THE TRIMMIER ROAD WIDENING PROJECT FROM US 190 TO BACON RANCH ROAD; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

### ORIGINATING DEPARTMENT

**PUBLIC WORKS - TRANSPORTATION DIVISION**

### BACKGROUND INFORMATION

Traffic congestion on Trimmier Road, both north and south bound, has been a long-standing problem. In response to this issue, City Council previously approved funding for the design costs associated with the widening of Trimmier Road. The Trimmier Road widening project is nearing completion.

### DISCUSSION/CONCLUSION

The proposed amendment would provide sufficient funds to cover the Texas Department of Transportation Advanced Funding Agreement (AFA) design review costs on the Trimmier Road Widening project from US 190 south to Bacon Ranch Road. This is a condition associated with utilizing \$2,000,000 of KTMOPO Category 7 funds for this portion of the Trimmier Road Widening project. These funds may be reimbursed from the proceeds of debt if issued at a later date.

### FISCAL IMPACT

The proposed design review cost in the Advanced Funding Agreement is estimated to be \$37,448 for the applicable portion of the Trimmier Road Widening (US 190 to Bacon Ranch Road portion) project. With the approval of this budget amendment, the Budget for FY 2013-2014 will be revised to reflect an increase in expenses of \$37,448.

### RECOMMENDATION

Staff recommends that the City Council approve this ordinance amending the FY 2013-2014 General Fund Budget.

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

**AN ORDINANCE AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE REIMBURSEMENT RESOLUTION TRIMMIER EXPENDITURE ACCOUNT BY \$37,448 FOR THE TRIMMIER ROAD WIDENING PROJECT FROM US 190 TO BACON RANCH ROAD; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, a budget for operating the General Fund of the City of Killeen for the Fiscal Year October 1, 2013 to September 30, 2014, 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 Reimbursement Resolution Trimmier account budget by adding funding for the Advanced Funding Agreement of the Trimmier Road Widening project from US 190 to Bacon Ranch Road; and

**WHEREAS**, these funds may be reimbursed from bond proceeds if issued; and

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

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

**SECTION I.** That Ordinance 13-067 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2013 to September 30, 2014, be amended as to the portion of said budget as follows,

<b>Account Number</b>	<b>Account Name</b>	<b>Original Budget</b>	<b>Budget Increase</b>	<b>Amended Budget</b>
010-9501-492.50-67	Reimbursement Resolution Trimmier Rd Widening	\$0	\$37,448	\$37,448

**SECTION II.** That the City Council finds that the public notice and public hearing requirements of Article V, 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 \_\_\_\_\_ day of \_\_\_\_\_, 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**

\_\_\_\_\_  
Daniel A. Corbin, 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-14-015B    **Version:** 1    **Name:** Trimmier Road Widening  
**Type:** Resolution    **Status:** Public Hearing/Ordinances  
**File created:** 2/3/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation for the Trimmier Road Widening project from US 190 to Bacon Ranch Road.  
**Sponsors:** Public Works Department, Transportation Department  
**Indexes:** Trimmier Road Widening  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Advanced Funding Agreement](#)  
[Trimmier Location Map](#)  
[W S Young Location Map](#)  
[Lowes Location Map](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TRIMMIER ROAD WIDENING (US 190 TO BACON RANCH ROAD) PROJECT**

### ORIGINATING DEPARTMENT

**PUBLIC WORKS - TRANSPORTATION DIVISION**

### BACKGROUND INFORMATION

Due to the increasing volumes of traffic on and around Trimmier Road, on March 26, 2013, the City Council authorized staff to enter into a Professional Services Agreement with Mitchell and Associates, Inc. to prepare the designs for road widening and additional access improvements along Trimmier Road spanning from Jasper Drive to Elms Road to coincide with construction being completed through TxDOT's SH 190 widening project (CCM/R 13-029R). At this time, the expansion of US 190 from the main gate of Fort Hood to W. S. Young Drive is currently underway and being expanded from (4) lanes to six (6) lanes by the Texas Department of Transportation (TxDOT). The project scope also includes the widening of Trimmier Road directly under US 190 within the TxDOT right-of-way.

In relation to the Trimmier Road Widening Project, on May 30, 2013, the Killeen-Temple Metropolitan Planning Organization (KTMPO) distributed nomination forms for the Statewide Transportation Planning Metropolitan Mobility (STP-MM) Category 7 funds. City management and staff recognized this as an opportunity to help fund the projects within the Trimmier corridor.

On September 10, 2013, City Council authorized the submission of an application to participate in the KTMPO (STP-MM) Category 7 funds project call (CCM/R 13-103R) to help fund a portion of the Trimmier Road Widening project (Us 190 to Bacon Ranch Road) and, further expressed City Council's commitment to fund the remaining portion of the project (2 parts - Bacon Ranch Road to Elms Road and US 190 to Jasper Road). On September 18, 2013, the KTMPO awarded \$2,000,000 to the City of Killeen for the Category 7 project with a City match for the estimated balance of the submitted portion of the project (US 190 to Bacon Ranch Road total \$3,464,243 minus \$2,000,000 Category 7 award and \$156,047 of TxDOT Indirect Cost, leaving a City match amount of \$1,308,196). The funding for this City match amount and the remainder of the widening project is contemplated to be funded out of Certificate of Obligation's indicated by the Reimbursement Resolution being presented to City Council on February 22, 2014.

As additional information, prior to these actions several other City Council directives and City staff actions were under way to address traffic congestion, pedestrian improvements, and safety concerns on W. S. Young Drive, Lowe's Boulevard and the Trimmier corridors.

In relation to W.S. Young Drive, on January 26, 2007, the City Manager executed a Professional Services Contract to design the widening of W. S. Young Drive from Bacon Ranch Road to Little

Nolan Road. The purpose of this project is to improve the sight distance throughout this corridor and mitigate the potential for vehicular accidents to occur. The installation of a continuous left hand turn lane will improve the sight distance for drivers turning from Bacon Ranch Road northbound onto W.S. Young Drive and will also improve the general traffic flow in the area.

In relation to Lowe's Boulevard, on July 12, 2011, the City Council authorized the award of a Professional Services Agreement to design the extension of Lowe's Boulevard from Trimmier Road to Florence Road (CCM/R 10-100R). This project was previously included in the approved prioritized list in CCM/R 10-095R on August 24, 2010. The Certificate of Obligation funding for the prioritized projects was depleted prior to the Lowe's Boulevard project being advertised for bids.

As all of the above-described projects are either contiguous projects or in the same general vicinity, and designed by the same firm, City staff is proposing that they all be combined into one bid package. Including these projects as recommended will eliminate duplicity of effort and provide better coordination for traffic control and construction project sequencing. The projected funds needed to complete these projects are between \$9.4 million and \$10.9 million and will be known upon receipt of bids.

The construction plans for these projects are projected to be submitted to TxDOT in May, 2014, and it is anticipated that, pending TxDOT authorization, the City will be in a position to advertise for bids in August, 2014, and tentatively commence construction in October, 2014.

## **DISCUSSION/CONCLUSION**

Prior to receiving KTMPO funds, TxDOT requires the City of Killeen to enter into an Advanced Funding Agreement (AFA), which is attached hereto and incorporated herein. By entering into this agreement with TxDOT, the City is agreeing to commit to the project's design, development, construction, maintenance and funding. The City further agrees to provide a local match of approximately 38%, or greater, of the project cost (the segment spanning from US 190 to Bacon Ranch Road) and approximately 82%, or greater, of the total project (including US 190 to Bacon Ranch Road, Bacon Ranch Road to Elms Road, and US 190 to Jasper Road), including being responsible for all non-federally fundable items and 100% of all overruns.

## **FISCAL IMPACT**

The total fiscal impact associated with this project is \$3,464,243, of which \$2,000,000 is Federally funded as an award and will be reimbursed from the Texas Department of Transportation along with the \$156,047 state portion of the award, and \$1,308,196 is to be funded by the City of Killeen. A proposed future Certificate of Obligation Bond issuance reflected in the Reimbursement Resolution considered by City Council on February 25, 2014 will reimburse the General Fund and track expenditures in the Reimbursement Resolution Trimmier account #010-9501-492.50-67 when proceeds from the sale of the Certificates of Obligation Bonds are received. In accordance with part B of this action (budget amendment ordinance), at this time, an initial payment of \$37,448 from the City to TxDOT for design review is required to be sent with the executed Advanced Funding Agreement.



## **RECOMMENDATION**

City staff recommends that the City Council authorize the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation for the Statewide Transportation Planning Metropolitan Mobility Category 7 funding with the Killeen-Temple Metropolitan Planning Organization and issue payment in the amount of \$37,448 to the Texas Department of Transportation to move forward with the project.

STATE OF TEXAS           §  
COUNTY OF BELL         §

**ADVANCE FUNDING AGREEMENT**  
**For A**  
**SURFACE TRANSPORTATION PROGRAM**  
**OFF-SYSTEM METROPOLITAN MOBILITY PROJECT**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the "State", and the City of Killeen, acting by and through its duly authorized officials, called the "Local Government."

**WITNESSETH**

**WHEREAS**, federal law establishes federally funded programs for transportation improvements to implement its public purposes; and

**WHEREAS**, the Texas Transportation Code, Sections 201.103 and 222.052 establish that the State shall design, construct and operate a system of highways in cooperation with local governments; and

**WHEREAS**, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

**WHEREAS**, the Texas Transportation Commission passed Minute Order Number 113675, authorizing the State to undertake and complete a highway improvement generally described as the widening of Trimmier Road called the "Project"; and,

**WHEREAS**, the Governing Body of the Local Government has approved entering into this agreement by resolution or ordinance dated \_\_\_\_\_, 20\_\_, which is attached to and made a part of this agreement as Attachment "A" for the improvement covered by this agreement. A map showing the Project location appears in Attachment "B," which is attached to and made a part of this agreement.

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this agreement, it is agreed as follows:

**AGREEMENT**

**1. Period of the Agreement**

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the Project is completed or unless terminated as provided below.

## 2. Scope of Work

The Project will consist of roadway and pedestrian improvements along Trimmier Road between Jasper Drive and Elms Road. The scope of work will primarily address the reconstruction and ultimate widening of Trimmier Road to four lanes with a continuous left turn lane to help eliminate traffic congestion in the area. This route has been further delineated on Attachment "B".

## 3. Local Project Sources and Uses of Funds

- A. The total estimated cost of the Project is shown in the Project Budget – Attachment “C”, which is attached to and made a part of this agreement. The expected cash contributions from the Federal or State government, the Local Governments, or other parties is shown in Attachment “C”. The State will pay for only those project costs that have been approved by the Texas Transportation Commission. The State and the Federal Government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- B. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C. This Project cost estimate shows how necessary resources for completing the Project will be provided by major cost categories. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the Federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-state participation costs associated with the Project, including any overruns in excess of the approved local project budget unless otherwise provided for in this agreement or approved otherwise in an amendment to this agreement.

- F.** Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- G.** In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- H.** Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to the State Project.
- I.** Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due by the Local Government, the State, or the Federal government will be promptly paid by the owing party. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- J.** The State will not pay interest on any funds provided by the Local Government.
- K.** If a waiver has been granted, the State will not charge the Local Government for the indirect costs the State incurs on the local Project, unless this agreement is terminated at the request of the Local Government prior to completion of the Project.
- L.** If the Project has been approved for a "fixed price" or an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the amount of the fixed price or the incremental payment schedule.
- M.** If the Local government is an Economically Disadvantaged County and if the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.
- N.** The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- O.** Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.
- P.** The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly, and no later than ninety (90) days after costs are

incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.

- Q.** The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this agreement.

#### **4. Termination of this Agreement**

This agreement shall remain in effect until the project is completed and accepted by all parties, unless:

- A.** The agreement is terminated in writing with the mutual consent of the parties;
- B.** The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party;
- C.** The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D.** The Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this agreement.

#### **5. Amendments**

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

#### **6. Remedies**

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

#### **7. Utilities**

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or state funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is completed.

#### **8. Environmental Assessment and Mitigation**

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A. The Local Government is responsible for the identification and assessment of any environmental problems associated with the development of a local project governed by this agreement.
- B. The Local Government is responsible for the cost of any environmental problem's mitigation and remediation.
- C. The Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment. Public hearings will not be held prior to the approval of project schematic.
- D. The Local Government is responsible for the preparation of the NEPA documents required for the environmental clearance of this Project.
- E. Before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

**9. Compliance with Texas Accessibility Standards and ADA**

All parties to this agreement shall ensure that the plans for and the construction of all projects subject to this agreement are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

**10. Architectural and Engineering Services**

The Local Government has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable *State's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. In procuring professional services, the parties to this agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters.

**11. Construction Responsibilities**

- A. The Local Government shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.

- B. The Local Government will use its approved contract letting and award procedures to let and award the construction contract.
- C. Prior to their execution, the State will be given the opportunity to review contract change orders that will result in an increase in cost to either the State or the Local Government.
- D. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- E. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

## **12. Project Maintenance**

The Local Government shall be responsible for maintenance of locally owned roads after completion of the work and the State shall be responsible for maintenance of state highway system after completion of the work if the work was on the state highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

## **13. Right of Way and Real Property**

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's

appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this agreement and the obligation of federal spending authority.

- F.** The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G.** The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.
- H.** Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I.** If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.



**14. Notices**

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

<b>Local Government:</b>	<b>State:</b>
City Manager	Director of Contract Services
City of Killeen	Texas Department of Transportation
P.O. Box 1329	125 E. 11 <sup>th</sup> Street
Killeen, Texas 76540	Austin, Texas 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

**15. Legal Construction**

If one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

**16. Responsibilities of the Parties**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

**17. Ownership of Documents**

Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

**18. Compliance with Laws**

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in

any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

**19. Sole Agreement**

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

**20. Cost Principles**

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

**21. Procurement and Property Management Standards**

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

**22. Inspection of Books and Records**

The parties to this agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the Federal Highway Administration (FHWA), and the U.S. Office of the Inspector General, or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

**23. Civil Rights Compliance**

The Local Government shall comply with the regulations of the United States Department of Transportation as they relate to non-discrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

**24. Disadvantaged Business Enterprise (DBE) Program Requirements**

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas

Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address

[http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou\\_attachments.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf).

- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

## 25. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

## 26. Lobbying Certification

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

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into

of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## 27. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

## 28. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:  
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and  
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
  - 1. Obtain and provide to the State a Central Contracting Registry (CCR) number (Federal Acquisition Regulation, Part 4, Sub-part 4.1100) if this award provides more than \$25,000 in Federal funding. The CCR number may be obtained by visiting the CCR website whose address is: <https://www.sam.gov/portal/public/SAM/>;
  - 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows Federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
  - 3. Report the total compensation and names of its top five (5) executives to the State if:

- i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
- ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

## 29. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B. If threshold expenditures of \$500,000 or more are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://www.txdot.gov/inside-txdot/office/audit/contact.html>.
- C. If expenditures are less than \$500,000 during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$500,000 expenditure threshold and therefore, are not required to have a single audit performed for FY \_\_\_\_\_."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

## 30. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ #0909-36-147  
Waco District (#9)  
Code Chart 64 #22300  
Project: Trimmier Road Widening  
Federal Highway Administration CFDA #20.205  
Not Research and Development  
Category 7 Funding

**THIS AGREEMENT IS EXECUTED** by the State and the Local Government in duplicate.

**THE LOCAL GOVERNMENT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**THE STATE OF TEXAS**

\_\_\_\_\_  
Janice Mullenix  
Director of Contract Services  
Texas Department of Transportation

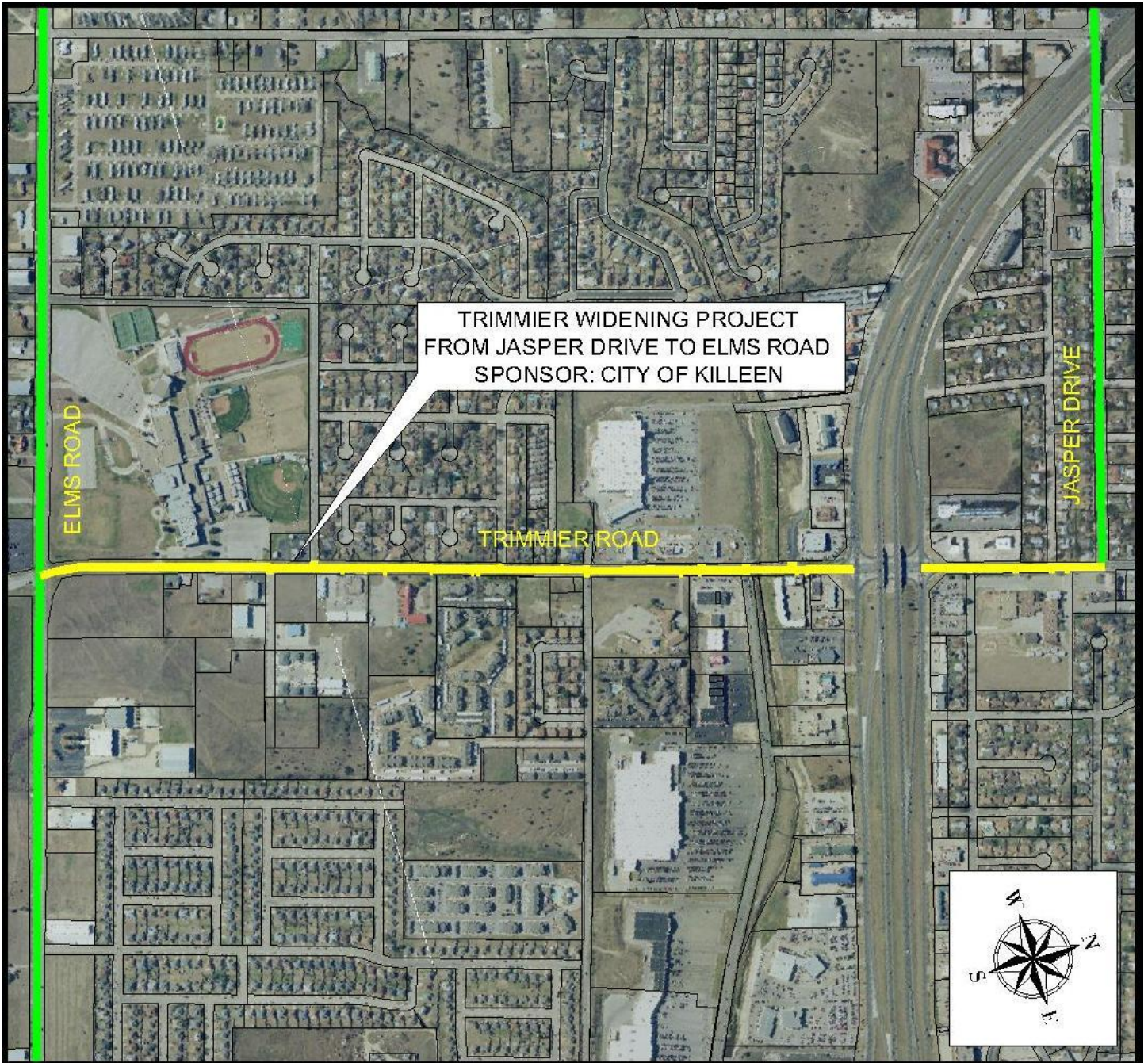
\_\_\_\_\_  
Date

CSJ #0909-36-147  
Waco District (#9)  
Code Chart 64 #22300  
Project: Trimmier Road Widening  
Federal Highway Administration CFDA #20.205  
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Category 7 Funding

**ATTACHMENT A**  
**RESOLUTION OR ORDINANCE**

CSJ #0909-36-147  
Waco District (#9)  
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## ATTACHMENT B LOCATION MAP SHOWING PROJECT





CSJ #0909-36-147  
Waco District (#9)  
Code Chart 64 #22300  
Project: Trimmier Road Widening  
Federal Highway Administration CFDA #20.205  
Not Research and Development  
Category 7 Funding

**ATTACHMENT C  
PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS**

For construction only, the funds allocated to the Local Government will be based on 80% Federal funding and 20% Local Government funding until the Federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

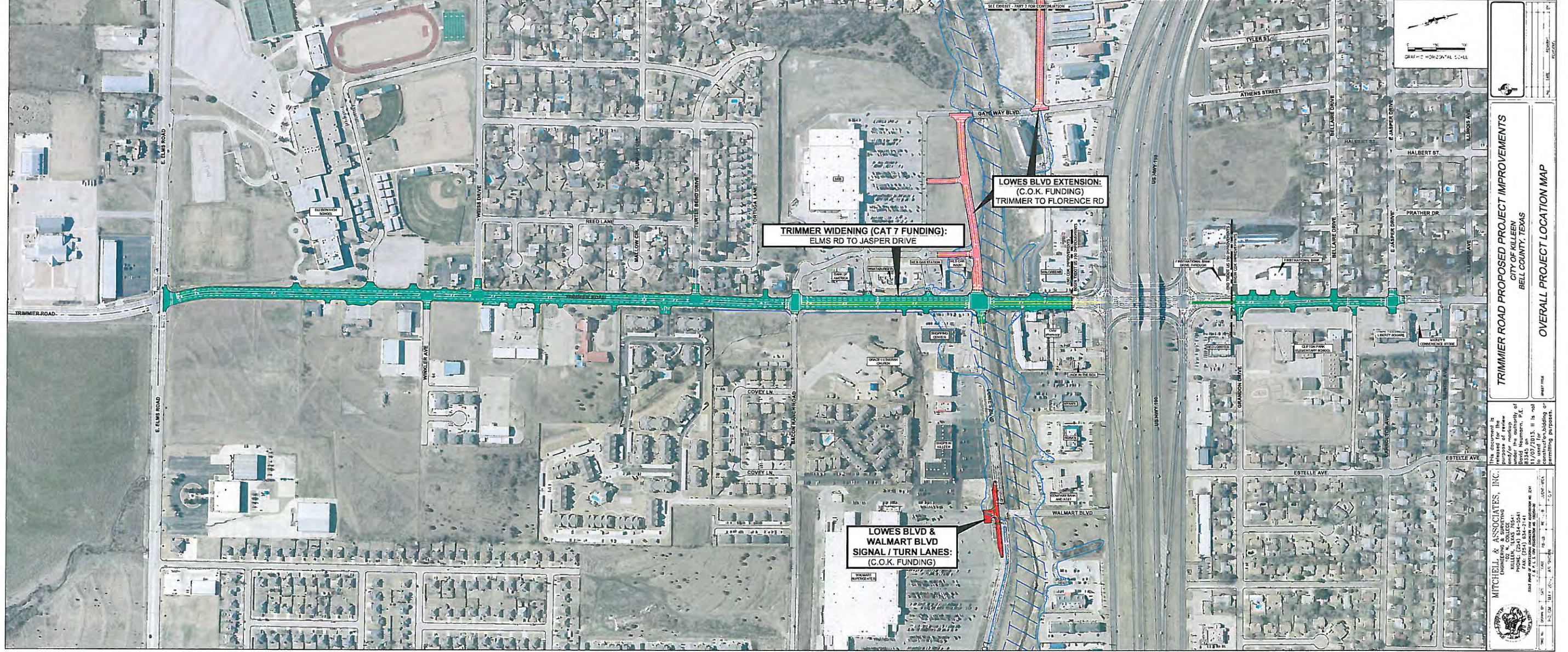
Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Right-of-way Acquisition (by LG)	\$ 0	0%	\$ 0	0%	\$ 0	100%	\$ 0
Utility Relocation (by LG)	\$ 0	0%	\$ 0	0%	\$ 0	100%	\$ 0
Environmental Assessment (by LG)	\$15,000	0%	\$ 0	0%	\$ 0	100%	\$15,000
Engineering Services (by LG)	\$773,200	0%	\$ 0	0%	\$ 0	100%	\$773,200
Construction of Trimmier Road Widening (by LG)	\$2,312,740	80%	\$ 1,850,192	0%	\$ 0	20%	\$462,548
Construction Inspection and Testing (by LG)	\$20,000	0%	\$ 0	0%	\$ 0	100%	\$20,000
<b>SUBTOTAL</b>	<b>\$3,120,940</b>		<b>\$1,850,192</b>		<b>\$ 0</b>		<b>\$1,270,748</b>
Right-of-Way Direct State Costs	\$ 0	0%	\$ 0	0%	\$ 0	100%	\$ 0
Utility Relocation Direct State Costs	\$ 0	0%	\$ 0	0%	\$ 0	100%	\$ 0
Environmental Direct State Costs (Est. @ 1% Subtotal)	\$31,209	80%	\$24,968	0%	\$ 0	20%	\$6,241
Preliminary Engineering Direct State Costs (Est. @ 1% Subtotal)	\$31,209	80%	\$24,968	0%	\$ 0	20%	\$6,241
Construction Direct State Costs (Est. @ 3% Subtotal)	\$93,629	80%	\$74,904	0%	\$ 0	20%	\$18,725
Construction Engineering Direct State Costs (Est. @ 1% Subtotal)	\$31,209	80%	\$24,968	0%	\$ 0	20%	\$6,241
Indirect State Costs (Est. @ 5% Subtotal)	\$156,047	0%	\$ 0	100%	\$156,047	0%	\$ 0

CSJ #0909-36-147  
Waco District (#9)  
Code Chart 64 #22300  
Project: Trimmier Road Widening  
Federal Highway Administration CFDA #20.205  
Not Research and Development  
Category 7 Funding

<b>Description</b>	<b>Total Estimated</b>	<b>Federal Participation</b>	<b>State Participation</b>	<b>Local Participation</b>
<b>TOTAL</b>	<b>\$3,464,243</b>	<b>\$2,000,000</b>	<b>\$156,047</b>	<b>\$1,308,196</b>

Initial payment by the Local Government to the State: \$37,448  
Payment by the Local Government to the State before construction: \$0  
Estimated total payment by the Local Government to the State \$37,448

This is an estimate. The final amount of Local Government participation will be based on actual costs.



**TRIMMER WIDENING (CAT 7 FUNDING):**  
ELMS RD TO JASPER DRIVE

**LOWES BLVD EXTENSION:**  
(C.O.K. FUNDING)  
TRIMMER TO FLORENCE RD

**LOWES BLVD & WALMART BLVD**  
SIGNAL / TURN LANES:  
(C.O.K. FUNDING)

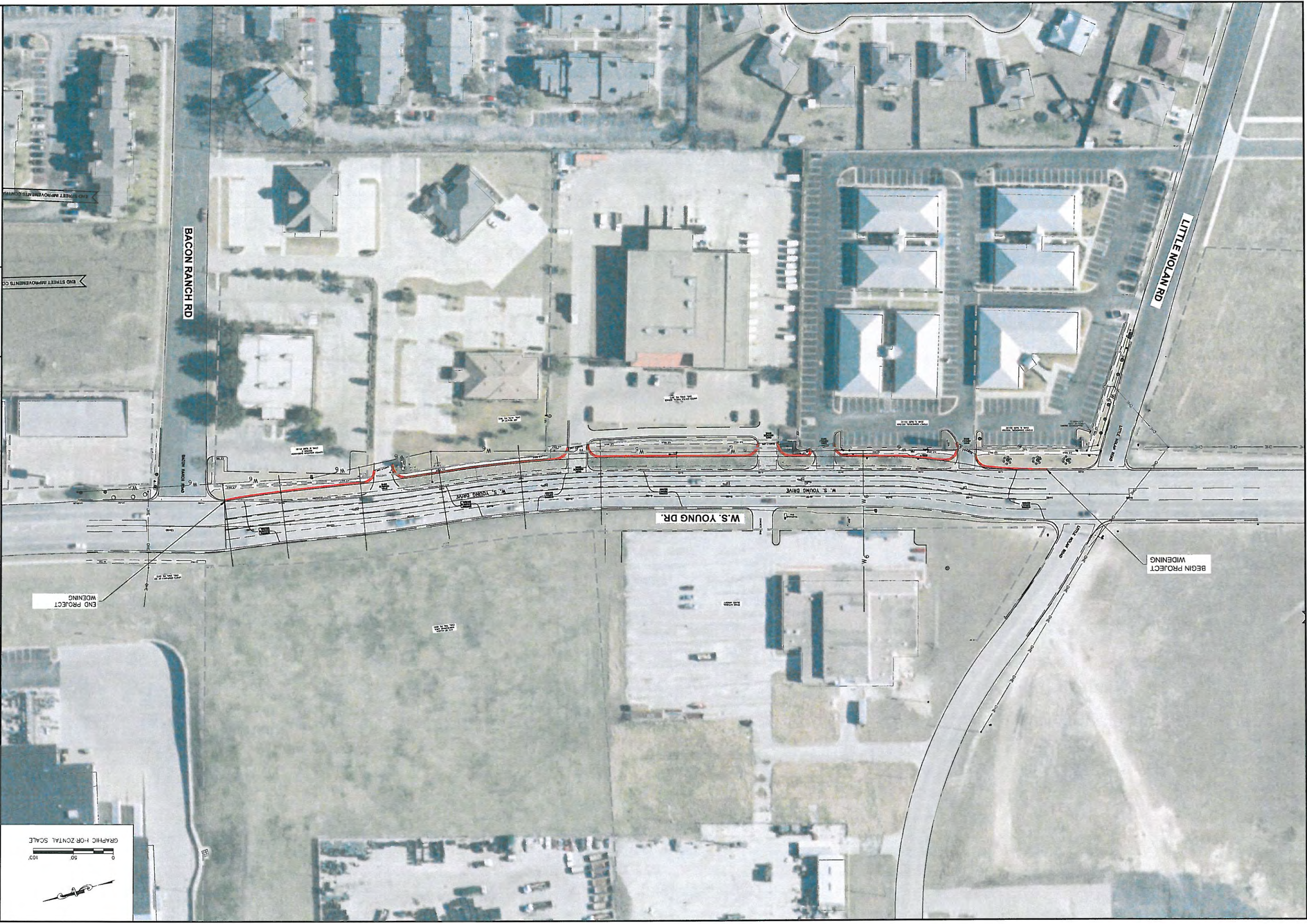

**TRIMMER ROAD PROPOSED PROJECT IMPROVEMENTS**  
CITY OF KILLEEN  
BELL COUNTY, TEXAS

**OVERALL PROJECT LOCATION MAP**

This document is prepared for the use of the City of Killeen and is not to be used for any other purpose without the written consent of Mitchell & Associates, Inc. It is not to be used for construction, bidding or permitting purposes.

MITCHELL & ASSOCIATES, INC.  
 1000 N. COLLEGE  
 KILLEEN, TX 76789  
 PHONE: (254) 834-5541  
 FAX: (254) 834-2141  
 WWW: WWW.MITCHELLANDASSOCIATES.COM

DATE: 10/15/2014  
 DRAWN BY: JAC  
 CHECKED BY: JAC  
 SCALE: AS SHOWN  
 SHEET NO. 1 OF 1

**MITCHELL & ASSOCIATES, INC.**  
 ENGINEERING & SURVEYING  
 102 N. COLLEGE  
 KILLEEN, TEXAS 76541  
 PHONE: (254) 634-5541  
 FAX: (254) 634-2141  
 T&S BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS REGISTRATION NO. 241  
 L. & P. E. S. 7096 REGISTRATION NO. 180284-09

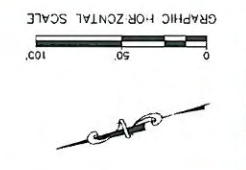
DWG. NO.	DATE	SCALE	FB. LB.	REF. - L/B	CLIENT AREA
PQ/04	DEC 2012	AS SHOWN			C.O.K.

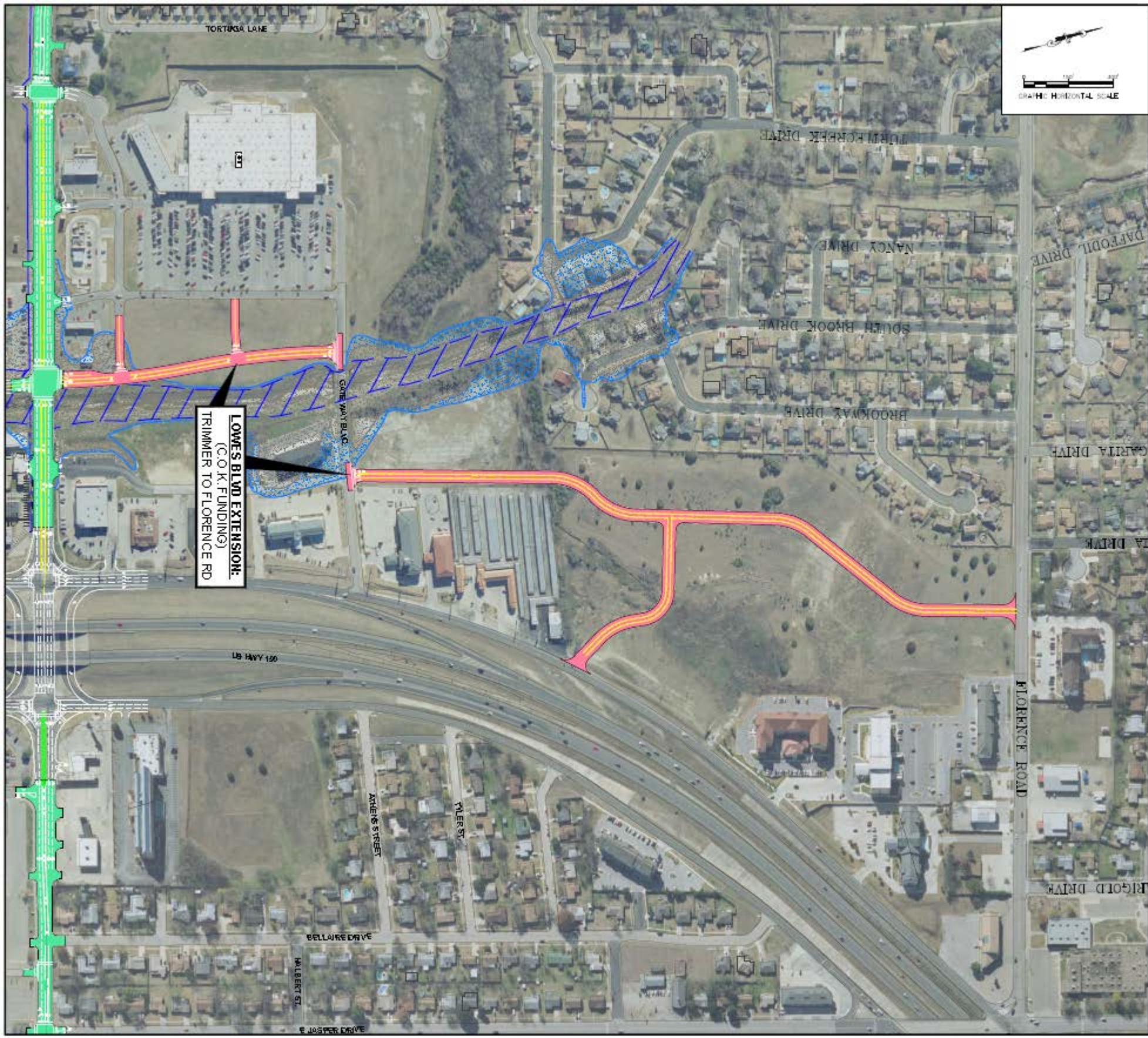
This document is released for the purpose of review and/or markup under the authority of David Neumann, P.E., 83345 on 02/04/2014. It is not to be used for construction bidding or permitting purposes.

**W.S. YOUNG DRIVE**  
 CITY OF KILLEEN  
 BELL COUNTY, TEXAS

**PROPOSED PROJECT LOCATION**

SHEET TITLE	
No.	DATE
REVISIONS	BY





**LOWES BLVD EXTENSION:  
(C.O.K. FUNDING)  
TRIMMER TO FLORENCE RD**

DATE		SCALE	BY

**TRIMMER ROAD PROPOSED PROJECT IMPROVEMENTS**  
CITY OF KILLEEN  
BELL COUNTY, TEXAS

**PROJECT LOCATION EXHIBIT - PART 2**  
LOWES BLVD EXTENSION

This document is released for the purpose of review and/or pickup under the authority of Bell County, P.E. 55543 on 11/01/2015. It is not to be used for contracting or permitting purposes.

**MITCHELL & ASSOCIATES, INC.**  
ENGINEERING & SURVEYING  
102 N. COLLEGE  
KILLEEN, TEXAS 76561  
PHONE: (254) 834-5541  
FAX: (254) 834-2141  
City and/or State: Killeen, TX 76561



DATE	SCALE	BY	DATE	SCALE	BY



# City of Killeen

## Legislation Details

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**File #:** PH-14-016    **Version:** 1    **Name:** Zoning Case 14-01  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearing/Ordinances  
**File created:** 2/21/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance requested by RSBP Developers, Inc. (Case #Z14-01) to rezone Lots 1-3, Block 15, Purser Crossing, Phase One, from R1-A (Single-Family Garden Home Residential District) to R-2 (Two-Family Residential District). The properties are locally known as 3100, 3102 and 3104 John Helen Drive, 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
3/4/2014	1	City Council	Workshop	

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z14-01 R1-A (SINGLE-FAMILY GARDEN HOME RESIDENTIAL DISTRICT) to R-2 (TWO-FAMILY RESIDENTIAL DISTRICT)**

### ORIGINATING DEPARTMENT

**PLANNING & DEVELOPMENT SERVICES**

### Nature of the Request

This request is to rezone Lots 1-3, Block 15, Purser Crossing, Phase One, from "R1-A" (Single-Family Garden Home Residential District) to "R-2" (Two-Family Residential District). The applicant is rezoning the properties for residential duplex use.

A building or premises in a district "R-2" Two-Family Residential District shall be used for the following purposes only:

- § Any use permitted in district "R-1" Single-Family Residential District.
- § Two-Family dwellings.

### Property Specifics

**Applicant/Property Owner:** RSBP Developers, Inc.

**Property Location:** The property is located on the south right-of-way of John Helen Drive, east of Bunny Trail, Killeen, Texas. The property is addressed as 3100, 3102 and 3104 John Helen Drive, Killeen, Texas.

**Legal Description:** Lots 1-3, Block 15, Purser Crossing, Phase One.

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

§ The property was zoned to "R1-A" (Single-Family Garden Home Residential District) per Ordinance # 09-70 on November 10, 2009.

§ The property is platted as Lots 1-3, Block 15, Purser Crossing, Phase One, which was filed for record in Cabinet D, Slide 288-D and Slide 289-A, Plat Records of Bell County, Texas.

### Character of the Area

**Existing Land Uses(s) on the Property:** Undeveloped and vacant.

### **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: Municipal utilities are readily available to the subject property. It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that 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: John Helen Drive is classified as a 70' collector on the City's Thoroughfare Plan.

Proposed Improvements: None as part of this rezone action.

Projected Traffic Generation: There will be no increase in traffic.

### **Environmental Assessment**

**Topography:** The property ranges in elevation from 968' to 974'.

**Regulated Floodplain/Floodway/Creek:** This property is not located within any FEMA regulatory Special Flood Hazard Area (SFHA). The subject lots are adjacent to a detention pond that was designed to include this development.

### **Land Use Analysis**

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

**Plan Recommendation:** The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character that encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/institutional places.

**Consistency:** The applicant's zoning request is consistent with the Comprehensive Plan.

### **Public Notification**

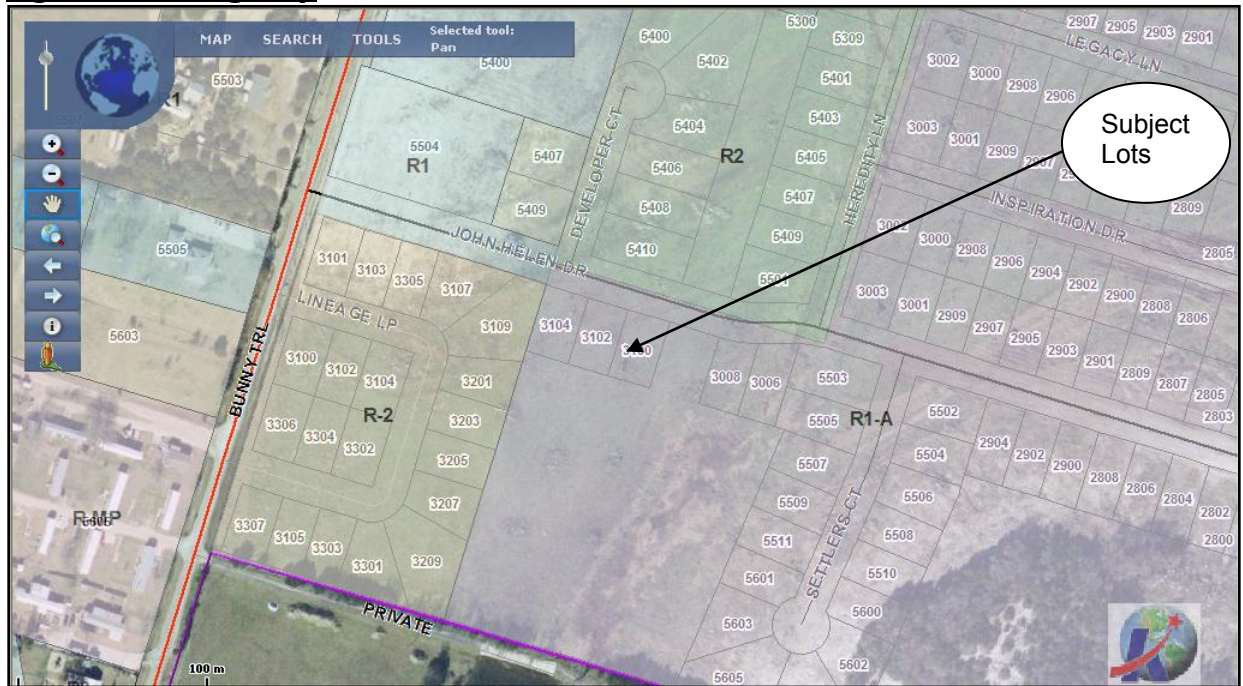
The staff notified three surrounding property owners regarding this request. Staff has received no responses at this time.



## **Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 7 to 0. It is consistent with the Comprehensive Plan and the zoning of adjacent areas.

**Figure 1. Zoning Map**



**PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 24, 2014**

**CASE #Z14-01  
R1-A TO R-2**

**HOLD a public hearing and consider a request by RSBP Developers, Inc. to rezone Lots 1 - 3, Block 15, Purser Crossing, Phase One from R1-A (Single-Family Garden Home Residential District) to R-2 (Two-Family Residential District) for duplex development. The properties are locally known as 3104, 3102 and 3100 John Helen Drive, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain stated that this is a request that affects three lots and the intent is to rezone them from garden home use to two family use and as discussed in the workshop R-2 zoning is in the vicinity as well as R-1 and R1-A. The applicant's request is consistent with the FLUM which calls for 'General Residential' character in the area.

Staff notified three surrounding property owners and no responses have been received at this time. Staff recommended approval of the applicant's request.

Ms. Michelle Lee, Killeen Engineering & Surveying, 2901 E. Stan Schlueter Loop, Killeen, Texas, was present to represent this request. The lots in questions are isolated by themselves, just to the west are R-2 lots, to the north is also R-2, and to the east and southeast is a regional detention pond.

Chairman Frederick opened the public hearing.

Mr. Gary Purser, Jr., 6503 Wells Fargo, Killeen, spoke in support of this zoning request.

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

Commissioner Butler motioned to recommend approval of the zoning request. Vice Chair Dorroh seconded the motion. The motion passed 7-0.

Chairman Frederick stated that this will be forwarded to City Council on March 11, 2014, 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 R1-A (SINGLE-FAMILY GARDEN HOME RESIDENTIAL DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, RSBP Developers, Inc. have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of Lots 1-3, Block 15, Purser Crossing, Phase One, from R1-A (Single-Family Garden Home Residential District) to R-2 (Two-Family Residential District), said request having been duly presented and recommended for approval of R-2 zoning by the Planning and Zoning Commission of the City of Killeen, on the 24th day of February 2014, 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 11th day of March 2014, 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 Lots 1-3, Block 15, Purser Crossing, Phase One, being locally known as 3100, 3102 and 3104 John Helen Drive, Killeen, Texas, be changed from R1-A (Single-Family Garden Home Residential District) to R-2 (Two-Family Residential District).

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

**Section V.** That this ordinance shall 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 11th day of March 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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**Daniel A. Corbin, MAYOR**

**ATTEST:**

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**Dianna Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Kathryn H. Davis, City Attorney**

Case #14-01  
Ord. # 14



City of Killeen  
Zoning Change Application

CASE #:

214-01

Name(s) of Property Owner (s): RSBP DEVELOPERS, INC.

Address: 2901 E. STAN SCHLUETER LOOP

City: KILLEEN State: TEXAS Zip: 76542 -

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( 254 ) 634-5567 Cell Phone: \_\_\_\_\_

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

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

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

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

Address/ Location of Property to be Rezoned: 3104, 3102 & 3100 JOHN HELEN DRIVE  
KILLEEN, TEXAS +

Has the Property been Platted? X / N LOTS 1-3, BLOCK 15  
Lot(s) Block(s) Subdivision  
PURSER CROSSING, PHASE ONE  
(CABINET D, SLIDES 288-D & 289-A)

Legal Description: LOTS 1-3, BLOCK 15, PURSER CROSSING PHASE ONE (CAB. D, SL. 288-D & 289-A)  
Metes and Bounds Description

Is there a simultaneous plat of this property? PURSER CROSSING PHASE ONE REPLAT  
(Plat Name)

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

Recorded Copy of Warranty Deed: Is copy of the deed attached?  YES / NO

Present Zoning(s): R1-A Present Use: VACANT

Proposed Zoning(s): R2 Proposed Use: RESIDENTIAL

## 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: KILLEEN ENGINEERING & SURVEYING, LTD.

Mailing Address: 2901 E. STAN SCHLUETER LOOP

City: KILLEEN State: TX Zip: 76542 -     

Home Phone: (      )                      Business Phone: ( 254 ) 526-3981 Cell Phone:                     

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.** 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 *Michelle E. Lee* Title OFFICE MANAGER - KES

Printed/Typed Name of Agent MICHELLE E. LEE Date 1-2-14

Signature of Property Owner *Gary W. Purser, Jr.* Title PRESIDENT OF RSBP DEVELOPERS

Printed/Typed Name of Property Owner GARY W. PURSER, JR. Date 1-7-14

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:**

**#Z14-01**

**ZONING FROM:**

**R1-A TO R-2**

**PROPERTY OWNER:**

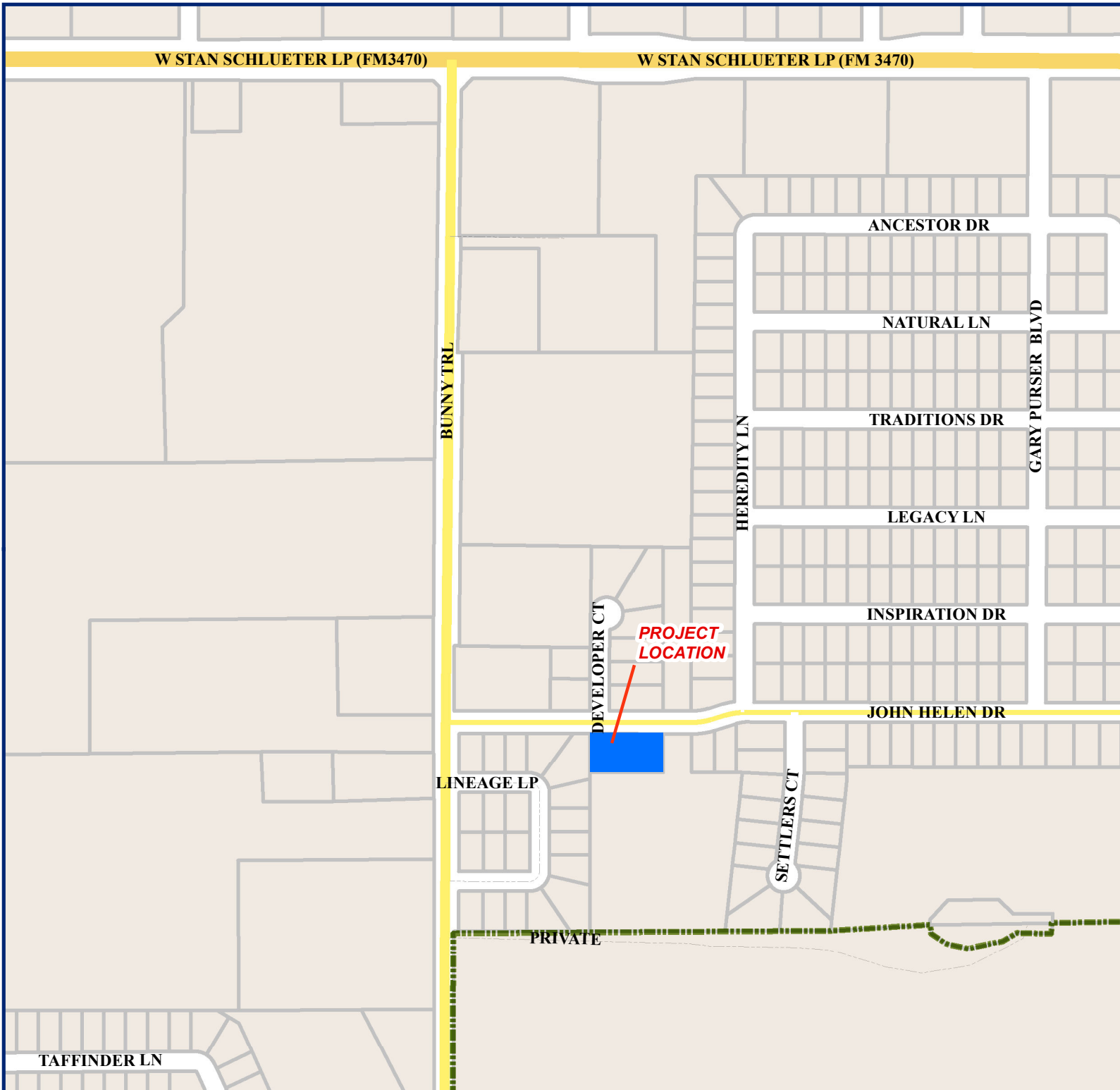
**RSBP DEVELOPERS INC**

**LEGEND**

-  **Zoning Case**
-  **Parcel**
-  **City Limits**



Date: 1/27/2014













**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**  
**#Z14-01**

**ZONING FROM:**  
**R1-A TO R-2**

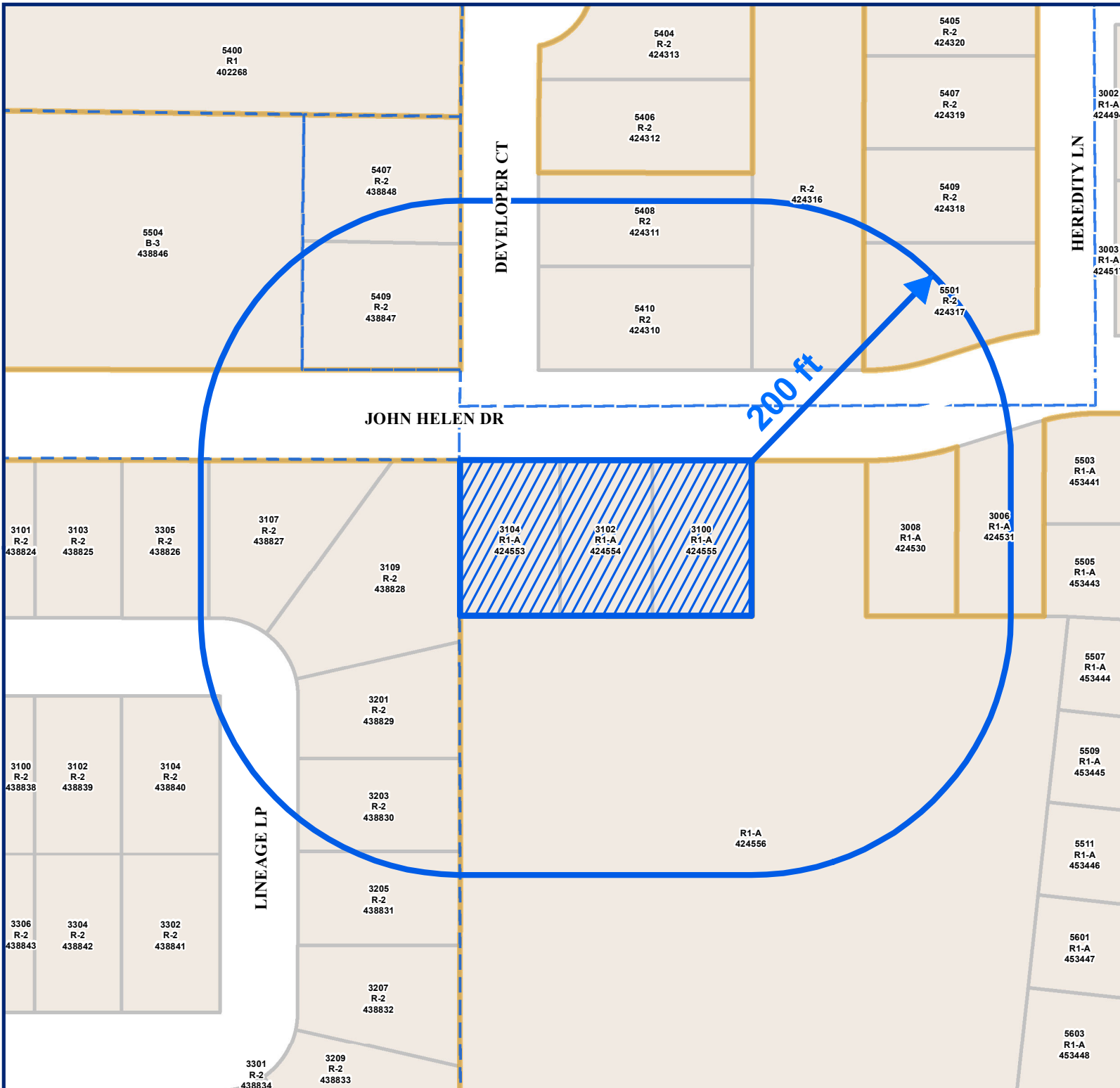
**PROPERTY OWNER:**  
**RSBP DEVELOPERS INC**

**LEGEND**

-  200 Ft. Buffer
-  Zoning Case
-  Current Zoning
-  Subdivision
-  Parcel
-  City Limits



Date: 1/27/2014



# 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-14-017    **Version:** 1    **Name:** Zoning Case 14-02  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearing/Ordinances  
**File created:** 2/24/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance requested by Lagan Construction, Inc. (Case #Z14-02) to rezone 6.77 acres, part of the Thomas Robinett Survey, Abstract No. 686, from "A" (Agricultural District) to "R-2" (Two-Family Residential District). The property is located west of the terminus of Waterproof Drive, immediately east of Robert M. Shoemaker High School, 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
3/4/2014	1	City Council	Workshop	

## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**ZONING CASE #Z14-02 "A" (AGRICULTURAL DISTRICT) to "R-2"(TWO-FAMILY RESIDENTIAL DISTRICT)**

**ORIGINATING DEPARTMENT**

**PLANNING & DEVELOPMENT SERVICES**

### **Nature of the Request**

This request is to rezone approximately 6.77 acres, out of the Thomas Robinett Survey, Abstract No. 686, from "A" Agricultural District to "R-2" Two-Family Residential District. The applicant is rezoning the property for duplex use.

A building or premises in a district "R-2" Two-Family Residential District shall be used for the following purposes only:

§ Any use permitted in district "R-1" Single-Family Residential District.

§ Two-Family dwellings.

### **Property Specifics**

**Applicant/Property Owner:** Lagan Construction, Inc.

**Property Location:** The property is located west of the terminus of Waterproof Drive, immediately east of Robert M. Shoemaker High School, Killeen, Texas.

**Legal Description:** 6.77 acres out of the Thomas Robinett Survey, Abstract No. 686.

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

§ The property has retained its initial "A" (Agricultural District) zoning since being annexed on October 19, 1999.

§ The property is not platted.

### **Character of the Area**

**Existing Land Uses(s) on the Property:** Undeveloped and vacant.

### **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: Water, sanitary sewer, and drainage utility services are available to the above subject tract located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity is currently available to the tract. However, a potable water main and gravity sanitary sewer main would be required to be extended across the tract from the existing mains abutting the property at the time of platting. Public storm drainage infrastructure lies within abutting rights-of-way and an improved drainage course bisecting the tract. Detention of post development storm water run-off may be required if inadequate capacity remains within such drainage infrastructure.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that 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: Waterproof Drive is classified as a 60' local street on the City's Thoroughfare Plan.

Proposed Improvements: None as part of this rezone action.

Projected Traffic Generation: There will be a moderate increase in traffic as a result of this zoning action.

## **Environmental Assessment**

**Topography:** The property ranges in elevation from 964' to 984'.

**Regulated Floodplain/Floodway/Creek:** This area contains a FEMA recognized unnamed tributary to South Nolan Creek, and there are known groundwater issues in this area. Approximately .5 acres of this site drains onto Elms Road then to South Nolan Creek at Robinett Road. Approximately 6.25 acres drain into the unnamed tributary to South Nolan Creek. It shall be noted that South Nolan Creek is not on the TCEQ's impaired water body list.

## **Land Use Analysis**

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

**Plan Recommendation:** The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character that encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/institutional places.

**Consistency:** The applicant's zoning request is consistent with the Comprehensive Plan.

**Public Notification**

The staff notified forty-eight surrounding property owners regarding this request. Staff has received no responses at this time.

**Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 7 to 0. It is consistent with the Comprehensive Plan and the zoning of adjacent areas.

**Figure 1. Zoning Map**



**PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 24, 2014**

**CASE #Z14-02  
'A' TO R-2**

**HOLD a public hearing and consider a request by Lagan Construction, Inc. to rezone approximately 6.77 acres, part of the Thomas Robinett Survey, Abstract No. 686, from 'A' (Agricultural District) to R-2 (Two-Family Residential District). The property is located on the north-right-of-way of E. Elms Road/Grey Wolves Trail, approximately 150 feet west of Waterproof Drive, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that this request for 6.77 acres to be changed from agricultural use to two family use which is R-2 zoning district. The property was annexed into the City, October 19, 1999 and has retained the agricultural designation. This rezoning will act as a buffer for the properties immediately to the east that are zoned R-1. There is a portion of the property to the south that has a commercial zoning. The property is in an area that is designated as 'General Residential' on the Future Land Use Map of the Comprehensive Plan.

Staff notified forty-eight surrounding property owners, no responses were received.

Staff recommended approval of the applicant's zoning request. It is consistent with the Comprehensive Plan and the zoning of adjacent areas.

Commissioner Cooper asked, "Does the future land use map exist?" City Planner McIlwain stated, "Yes it does".

Mr. Kevin Gilbert, 1050 Conder Road, Copperas Cove, was in attendance to represent this request. Mr. Gilbert stated that the R-2 zoning will act as a buffer between the school site on the west and the single family use to the east.

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

Vice Chair Dorroh motioned to recommend approval of this zoning request. Commissioner Steine seconded the motion. The motion passed 7 to 0.

Chairman Frederick stated that this will be forwarded to City Council on March 11, 2014, 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 “A” (AGRICULTURAL DISTRICT) TO “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lagan Construction, Inc. 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 6.77 acres, being part of the Thomas Robinett Survey, Abstract No. 686, from “A” (Agricultural District) to “R-2” (Two-Family Residential District), said request having been duly presented and recommended for approval of “R-2” zoning by the Planning and Zoning Commission of the City of Killeen, on the 24th day of February 2014, 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 11th day of March 2014, 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 6.77 acres, being part of the Thomas Robinett Survey, Abstract No. 686, be changed from “A” (Agricultural District) to “R-2” (Two-Family Residential District). The property is located west of the terminus of Waterproof Drive, immediately east of Robert M. Shoemaker High School, 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 the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section V.** That this ordinance shall 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 11th day of March 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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**Daniel A. Corbin, MAYOR**

**ATTEST:**

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**Dianna Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Kathryn H. Davis, City Attorney**

Case #14-02  
Ord. # 14



City of Killeen  
Zoning Change Application

CASE #:  
Z14-02

Name(s) of Property Owner (s): LAGAN CONSTRUCTION INC.

Address: P.O. Box 449

City: KILLEEN State: TX Zip: 76540

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Cell Phone: 254-535-1512

LAGANHOMES@CLEARWIRE.NET

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

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

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

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

Address/ Location of Property to be Rezoned: ELMS RD. EAST OF SHOEMAKER H.S.  
NORTHSIDE OF ELMS RD.

Has the Property been Platted? Y / N \_\_\_\_\_  
Lot(s) Block(s) Subdivision

Legal Description: ATTACHED  
Metes and Bounds Description

Is there a simultaneous plat of this property? NO  
(Plat Name)

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

Recorded Copy of Warranty Deed: Is copy of the deed attached? YES / NO

Present Zoning(s): B-5/A-1 Present Use: AGRICULTURE

Proposed Zoning(s): B-5/R-2 Proposed Use: \_\_\_\_\_

## 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: KILLEEN State: TX Zip: 76542 - \_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ Business Phone: ( 254 ) \_\_\_\_\_ Cell Phone: \_\_\_\_\_

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.** 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 \_\_\_\_\_

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

Signature of Property Owner  Title PRES.

Printed/Typed Name of Property Owner KEVIN GILBERT Date 1-15-14

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:**  
#Z14-02

**ZONING FROM:**  
A TO R-2

**PROPERTY OWNER:**  
LAGAN  
CONSTRUCTION INC

**LEGEND**

-  Zoning Case
-  Parcel
-  City Limits



Date: 1/27/2014











**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:  
#Z14-02**

**ZONING FROM:  
A TO R-2**

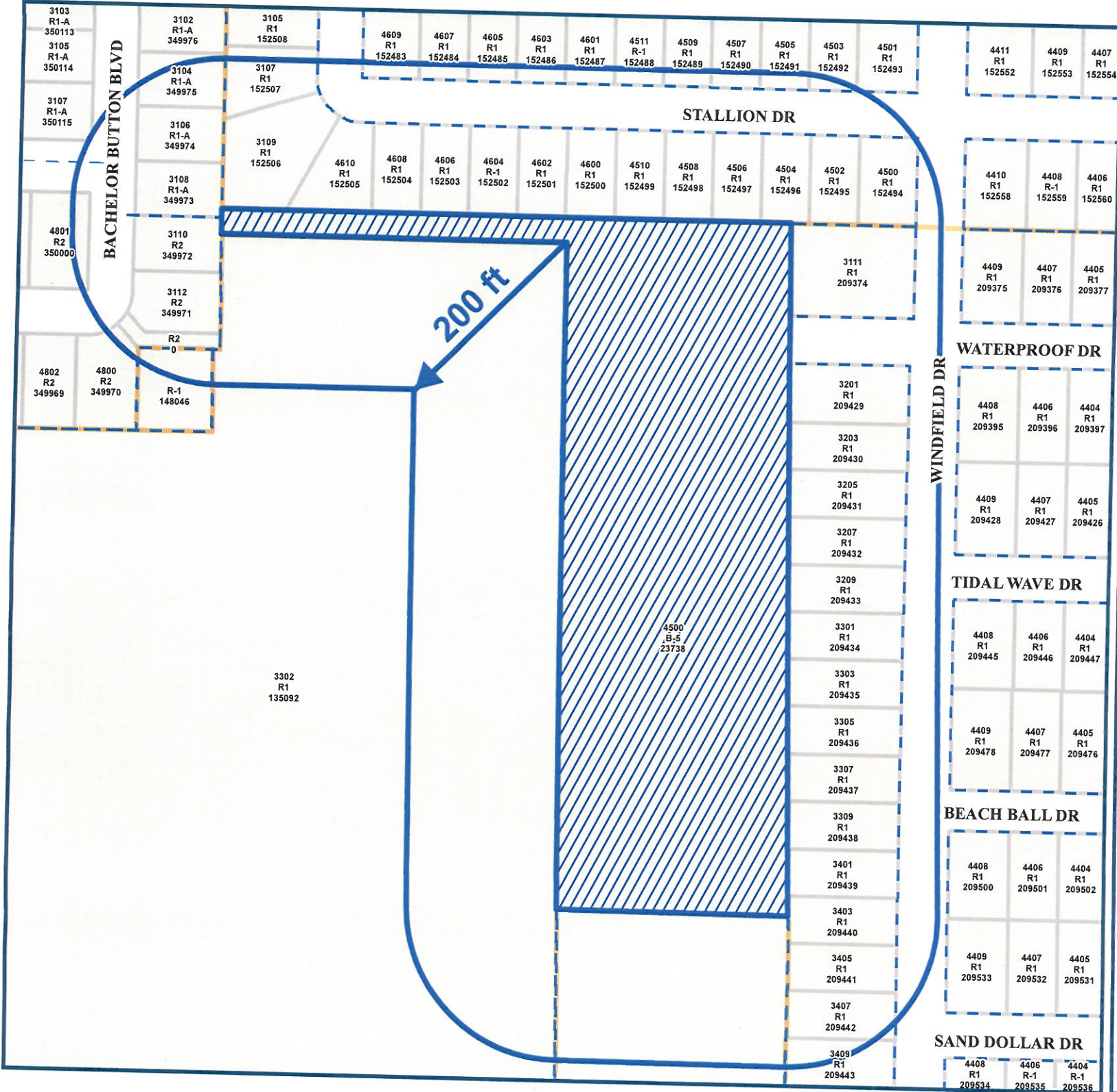
**PROPERTY OWNER:  
LAGAN  
CONSTRUCTION INC**

**LEGEND**

-  Buffer\_of\_#Z14-02
-  Zoning Case
-  Current Zoning
-  Subdivision
-  Parcel
-  City Limits



Date: 1/27/2014



# 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-14-018A    **Version:** 1    **Name:** FLUM 14-03  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearing/Ordinances  
**File created:** 2/24/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' to 'General Residential' for approximately 5.77 acres located along the south right-of-way of Watercrest Road adjacent to the intersection of Bachelor Button Boulevard, Killeen, Texas.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Attachment to Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Comprehensive Plan Future Land Use Map (FLUM) Amendment: 'General Commercial' to 'General Residential'**

### ORIGINATING DEPARTMENT

**PLANNING & DEVELOPMENT SERVICES**

### Nature of the Request

This is a request to revise the Comprehensive Plan's Future Land Use Map (FLUM) to change 5.77 acres from a 'General Commercial' designated area to a 'General Residential' designated area. The property is located along the south right-of-way of Watercrest Road adjacent to the intersection of Bachelor Button Boulevard, Killeen, Texas.

The applicant has submitted a concurrent request to rezone the subject properties from B-5 (Business District) to R-2 (Two-Family Residential District) for future residential development.

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

See Attachment

### Land Use Analysis

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

**Plan Recommendation:** The Comprehensive Plan calls for a wide range of commercial retail and service uses, at varying scales and intensities depending on the site.

The proposed revision to the property would result in a 'General Residential' designation on the Future Land Use Map (FLUM) of the Comprehensive Plan. This designation 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; parks and public spaces.

### Factors to Consider

**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 is limited to approximately 5.77 acres.*

**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? *Staff is aware of the following factors that would render the current map inappropriate or out-of-date:*

*§ The property has been zoned for commercial use since 2005; however, most commercial development trend data indicates that new retail/ commercial opportunities are occurring along Clear Creek Road, and not Watercrest Road.*

*§ There are observed commercial lease spaces in the immediate area that remains vacant /unoccupied. Staff cannot ascertain if this is a lease affordability issue or market demand.*

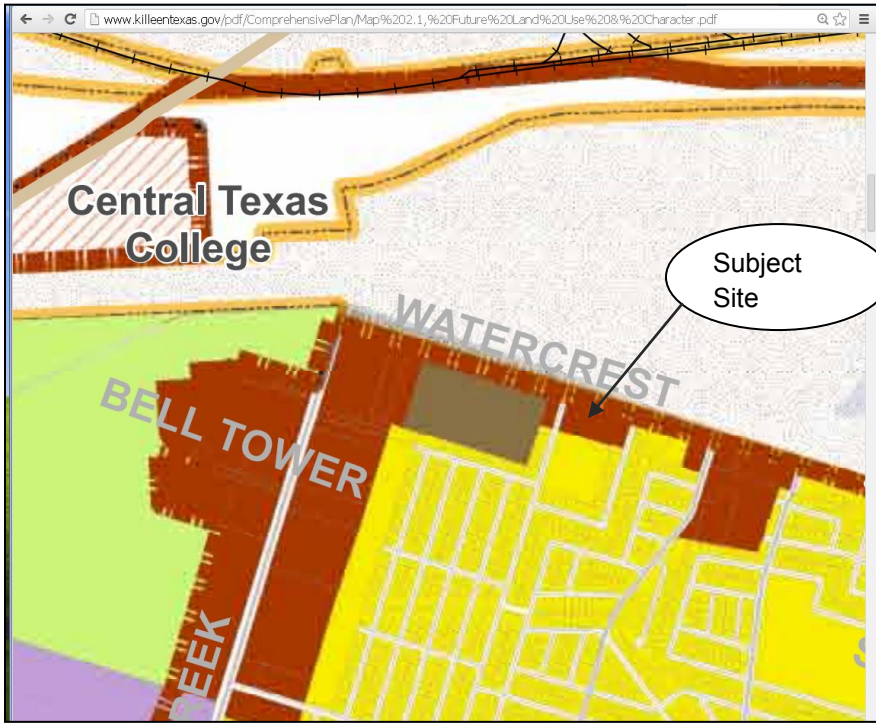
*§ It appears the FLUM designation of 'General Commercial' was based more upon the existing zoning of the subject property and less upon the compatibility of adjacent land uses.*

**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. Staff does not have any information from the applicant regarding traffic impacts; however the area has direct access to Watercrest Road, which is a 90' minor arterial on the City's Thoroughfare Plan.*

**Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? *With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment request; however, staff did not receive any stakeholder input during the Planning and Zoning Commission's public hearing on this item.*

### **Recommendation**

The Planning and Zoning Commission recommend approval of amending the FLUM from 'General Commercial' to 'General Residential' for this area with a unanimous vote of 6 to 0, with Commissioner Cooper abstaining. The amendment to 'General Residential' is entirely compatible with the existing residential development observed in the immediate area.



Note: Subject area has been identified as 'General Commercial'

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 24, 2014**

**CASE #FLUM14-03  
GENERAL COMMERCIAL TO GENERAL RESIDENTIAL**

**HOLD a public hearing and consider a request by Killeen Sunflower, Inc., to revise the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' to 'General Residential' for approximately 5.774 acres, part of the Thomas Robinett Survey, Abstract No. 686. The property is located along the south right-of-way of Watercrest Road, at the intersection of Bachelor Button Boulevard, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that this request is the result of a zoning request to change the property from B-5 to R-2. When reviewing the request it became apparent that a revision to the Comprehensive Plan's Future Land Use Map (FLUM) was necessary. The area on the FLUM is designated for 'General Commercial' use. A site visit was conducted and staff observed the emerging commercial development trends in the area, and noted the lack of commercial development along Watercrest Road, even with the right-of-way improvements. Watercrest Road is still a residential corridor. There have been zoning requests approved to encourage commercial development, such as the Family Dollar store. Staff noticed during the site visit that one strip center contained one anchor tenant and approximately 10 vacant lease spaces. The property in question has been zoned B-5 since 2005, and since that time there has not been any potential commercial development for the site. Clear Creek Road offers a higher degree of visibility for prospective commercial development.

Staff recommended approval of the amendment to the Future Land Use Map from 'General Commercial' to General Residential'.

Chairman Frederick opened the public hearing.

Mr. Gary Purser, Jr. 6503 Wells Fargo, Killeen, spoke in support to the amendment to the FLUM. He stated that this particular property was zoned B-5 in anticipation of selling the property, since there has been no interest for the past 10 years, he would like to move forward with the property.

The public hearing was closed.

Vice Chair Dorroh motioned to recommend approval of the change to the FLUM. Commissioner Butler seconded the motion. The motion passed 6-0 with Commissioner Cooper abstaining.

Chairman Frederick stated that this will be forwarded to City Council on March 11, 2014 with a recommendation to approve the amendment to the FLUM.

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR 5.77 ACRES OF LAND LOCATED ALONG THE SOUTH RIGHT-OF-WAY OF WATERCREST ROAD, ADJACENT TO THE INTERSECTION OF BACHELOR BUTTON BOULEVARD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A REPEALER 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 zoning petition from Killeen Sunflower, Inc. which would require a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change 5.77 acres from 'General Commercial' to 'General Residential', for property located along the south right-of-way of Watercrest Road, adjacent to the intersection of Bachelor Button Boulevard, Killeen, Texas; 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 Commercial' to 'General Residential' for approximately 5.77 acres, located along the south right-of-way of Watercrest Road, adjacent to the intersection of Bachelor Button Boulevard, Killeen, Texas; and

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

**SECTION V.** That this ordinance shall 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 11th day of March 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:**

\_\_\_\_\_  
**Daniel A. Corbin, MAYOR**

**ATTEST:**

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

**APPROVED AS TO FORM**

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

Case #FLUM\_Z-14-03  
Ord #14-



# City of Killeen

## Legislation Details

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**File #:** PH-14-018B    **Version:** 1    **Name:** Zoning Case 14-03  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearing/Ordinances  
**File created:** 2/24/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**

**Title:** HOLD a public hearing and consider an ordinance requested by Killeen Sunflower, Inc. (Case #Z14-03) to rezone 4.854 acres, part of the Thomas Robinett Survey, Abstract No. 686, from B-5 (Business District) to R-2 (Two-Family Residential District). The property is located along the south right-of-way of Watercrest Road between Bachelor Button Boulevard and Foxglove Lane and is locally known as 4602 Watercrest Road, Killeen, Texas.

**Sponsors:** Planning & Development Dept

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z14-03 B-5 (BUSINESS DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT)**

### ORIGINATING DEPARTMENT

**PLANNING & DEVELOPMENT SERVICES**

### Nature of the Request

This request is to rezone approximately 4.854 acres, out of the Thomas Robinett Survey, Abstract No. 686, from B-5 (Business District) to R-2 (Two-Family Residential District). The applicant is rezoning the property for duplex use. The property is located along the south right-of-way of Watercrest Road, between Bachelor Button Boulevard and Foxglove Lane, and is locally known as 4602 Watercrest Road, Killeen, Texas.

A building or premises in a district R-2 Two-Family Residential District shall be used for the following purposes only:

§ Any use permitted in district R-1 Single-Family Residential District.

§ Two-Family dwellings.

### Property Specifics

**Applicant/Property Owner:** Killeen Sunflower, Inc.

**Property Location:** The property is locally known as 4602 Watercrest Road, Killeen, Texas.

**Legal Description:** 6.77 acres out of the Thomas Robinett Survey, Abstract No. 686.

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

§ This property was rezoned from R-1 (Single-Family Residential District) to B-5 (Business District) on September 27, 2005, per Ordinance No. 05-85.

§ The property is not platted. A plat application has been submitted to City staff illustrating a proposed residential development.

### Character of the Area

**Existing Land Uses(s) on the Property:** Undeveloped and vacant.

### **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: Water, sanitary sewer, and drainage utility services are available to the above subject tract located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity is currently available to the tract. However, a potable water main and gravity sanitary sewer main would be required to be extended across the tract from the existing mains abutting the property at the time of platting. Public storm drainage infrastructure lies within abutting rights-of-way and an improved drainage course bisecting the tract. Detention of post development storm water run-off may be required if inadequate capacity remains within such drainage infrastructure.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that 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: Watercrest Road is classified as a 90' minor arterial on the City's Thoroughfare Plan.

Proposed Improvements: None as part of this rezone action.

Projected Traffic Generation: There will be marginal increase in traffic as a result of this zoning action.

### **Environmental Assessment**

**Topography:** The property ranges in elevation from 932' to 948'.

**Regulated Floodplain/Floodway/Creek:** The proposed development is not within any FEMA regulatory Special Flood Hazard Area (SFHA).

### **Land Use Analysis**

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

**Plan Recommendation:** The Comprehensive Plan calls for a wide range of commercial retail and service uses, at varying scales and intensities depending on the site.

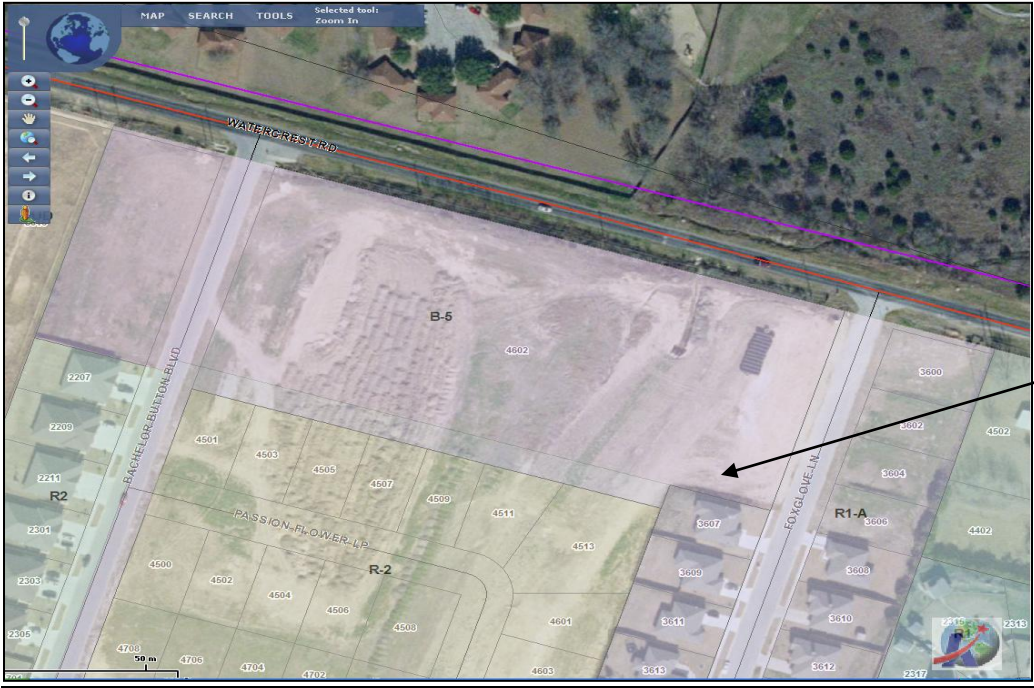
**Consistency:** The rezone request is inconsistent with the Comprehensive Plan; however planning staff is recommending an amendment to the FLUM from 'General Residential' to 'General Commercial'.

**Public Notification**

The staff notified eighteen surrounding property owners regarding this request. Staff has received one response in support at this time.

**Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 6 to 0, with Commissioner Cooper abstaining. The request is consistent with the Comprehensive Plan and the zoning of adjacent areas.



Subject  
Property

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 24, 2014**

**CASE #Z14-03  
B-5 TO R-2**

**HOLD a public hearing and consider a request by Killeen Sunflower, Inc., to rezone approximately 4.854 acres, part of the Thomas Robinett Survey, Abstract No. 686, from B-5 (Business District) to R-2 (Two-family Residential District). The property is locally known as 4602 Watercrest Road, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that this request is the same site as the previous request and the intent is to rezone from B-5 to R-2. The property owner mentioned the property is immediately adjacent to other R-2 zoning, residential to the east and west along Watercrest Road, as well as the residential uses across the street on Fort Hood property.

Staff notified 18 surrounding property owners and received one response in support from Mr. Benjamin Purser.

Staff recommended approval of the request to change the zoning of the subject property, which is compatible with the adjacent properties.

Mr. Gary Purser, Jr., 6503 Wells Fargo, Killeen, was in attendance to represent this request. Mr. Purser also noted that the strip center that was mentioned earlier has nine vacant suites in it.

Commissioner Cooper said he felt, in his opinion, “the strip centers that are being put out there are crap. The strip centers are so insufficient for anybody that is going to run a business, which is why they have nine vacancies. That is my perception as to why there are nine vacancies. It should make money, so I am going to vote for that. They keep putting up crappy strip centers that you don’t want to put a business in”. Commissioner Cooper stated that the future land use map that the city has keeps changing every second of the day, “What is the future?” he asked.

Mr. Purser responded that in his 30 -40 years experience it is very difficult for mom and pop shops to lease a space and make it work. There is a lot of turn over even if strip centers are full; it is also very difficult for the real estate owner. Mr. Purser stated there is only a certain amount of commercial available that one can make a living off of. It takes roof tops to make commercial profitable. It becomes difficult to build something on a secondary road and make it financially work. The bigger players will be on Stan Schlueter Loop, Clear Creek

Road and highways. There is only a certain amount of commercial space that the market can sustain and therein lays the problem in making things work.

Commissioner Cooper thanked Mr. Purser for his opinion. Commissioner Cooper said it is a tightrope that is walked but we are talking about the future land use and clearly we keep eating into that future land use. Once the rooftops are there you no longer have the mom and pop capacity. It costs a million and a half to get on Stan Schlueter, anything else disappears because R-2's and R-1's have been built on it and put roof tops all in one little area and now there is no way that something can be in those areas. The future land use map says that this property is designated business, B-5, and is future land use and the future is as long as it takes sometimes.

Chairman Frederick opened the public hearing.

Mr. Ben Purser, 5706 Aquarius Drive, Killeen, spoke in support of the request to rezone.

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

Vice Chair Dorroh motioned to recommend approval of this zoning request. Commissioner Steine seconded the motion. The motion passed 6 to 0, with Commissioner Cooper abstaining.

Chairman Frederick stated that this will be forwarded to City Council on March 11, 2014, 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) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Killeen Sunflower, Inc. 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 4.854 acres, being part of the Thomas Robinett Survey, Abstract No. 686, from B-5 (Business District) to R-2 (Two-Family Residential District), said request having been duly presented and recommended for approval of R-2 zoning by the Planning and Zoning Commission of the City of Killeen, on the 24th day of February 2014, 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 11th day of March 2014, 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 4.854 acres, being part of the Thomas Robinett Survey, Abstract No. 686, be changed from B-5 (Business District) to R-2 (Two-Family Residential District). The property is locally known as 4602 Watercrest Road, 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 the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section V.** That this ordinance shall 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 11th day of March 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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**Daniel A. Corbin, MAYOR**

**ATTEST:**

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**Dianna Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis, City Attorney**

Case #14-03  
Ord. # 14





CASE #:

14-03

### City of Killeen Zoning Change Application

Name(s) of Property Owner (s): Killeen Sunflower, Inc.

Address: 2901 E. Stan Schlueter Loop

City: Killeen State: TX Zip: 76542 -

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( 254 ) 634-5567 Cell Phone: \_\_\_\_\_

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

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

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

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

Address/ Location of Property to be Rezoned: 4602 Watercrest Road

Has the Property been Platted? Y / X \_\_\_\_\_  
Lot(s) Block(s) Subdivision  
\_\_\_\_\_  
\_\_\_\_\_

Legal Description: 4.854 acre tract of the Thomas Robinett Survey, Abstract No. 686  
Metes and Bounds Description

Is there a simultaneous plat of this property? Sunflower Estates Phase Seven  
(Plat Name)

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

Recorded Copy of Warranty Deed: Is copy of the deed attached?  YES / NO

Present Zoning(s): B-5 Present Use: Vacant

Proposed Zoning(s): R-2 Proposed Use: Multifamily Residential

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: KILLEEN ENGINEERING & SURVEYING, LTD.

Mailing Address: 2901 E. STAN SCHLUETER LOOP

City: KILLEEN State: TX Zip: 76542

Home Phone: ( ) Business Phone: ( 254 ) 526-3981 Cell Phone:

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. 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 Michelle E. Lee Title OFFICE MANAGER-KES

Printed/Typed Name of Agent MICHELLE E. LEE Date 10-8-13

Signature of Property Owner Gary W. Purser, Jr. Title VICE PRESIDENT-KSI

Printed/Typed Name of Property Owner GARY W. PURSER, JR. 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

\* 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:**  
#Z14-03

**ZONING FROM:**  
B-5 TO R-2

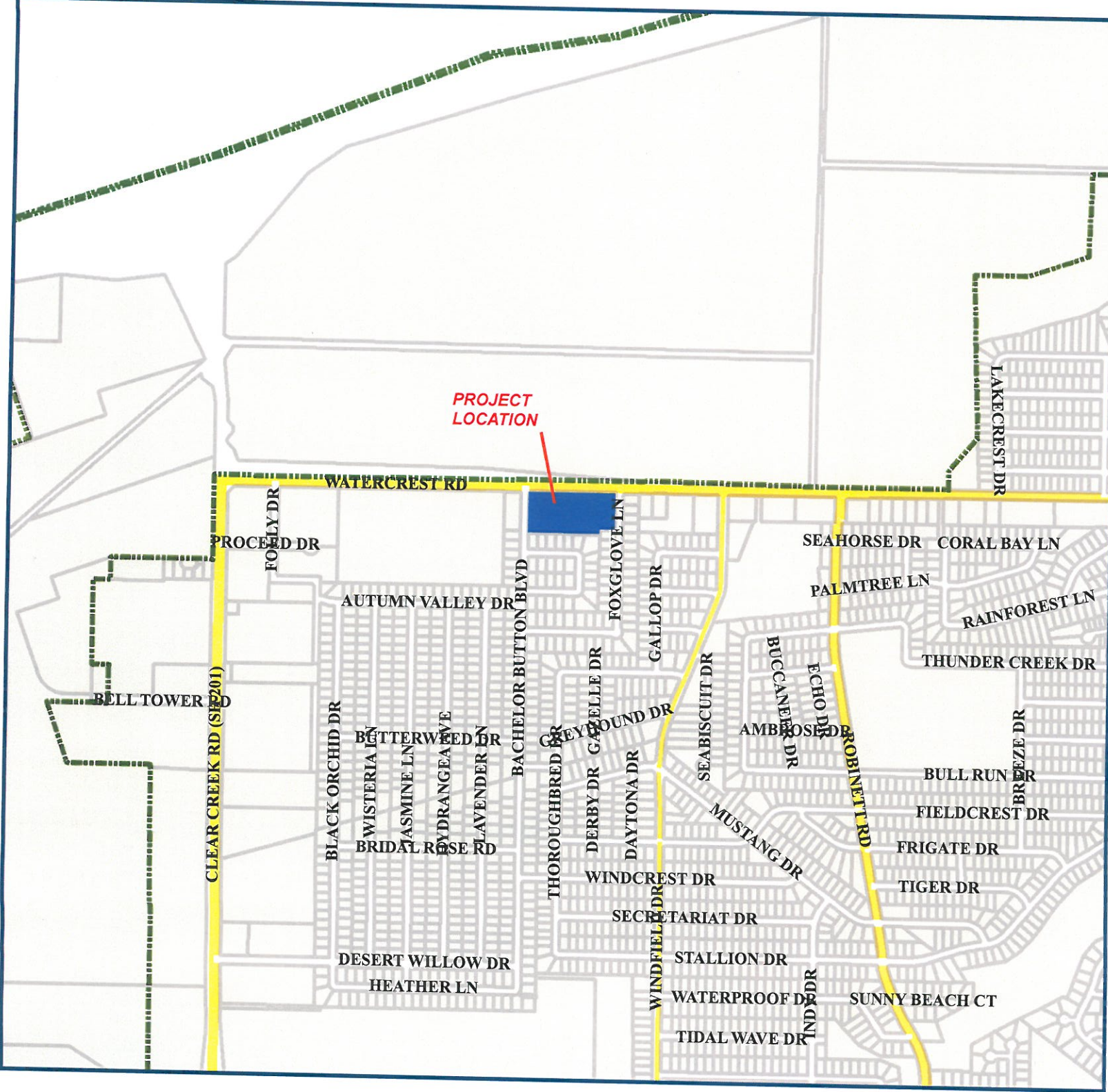
**PROPERTY OWNER:**  
KILLEEN  
SUNFLOWER INC

**LEGEND**

-  Zoning Case
-  Parcel
-  City Limits



Date: 1/28/2014





# 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.

YOUR NAME:	Benjamin Purser	PHONE NUMBER:	254-768-1769
CURRENT ADDRESS:	5702 Aquarius Drive Apt #B Killeen, TX 76542		
ADDRESS OF PROPERTY OWNED:	2211 <del>XXXX</del> Bachelor Button Blvd. Killeen, TX 76549		
COMMENTS:	B-5 to R-2 I am in support of this rezoning request from B-5 to R-2. The property that surrounds this property requesting an R-2 zoning is primarily Residential. I hope that you consider this property to be rezoned.		
	Respectfully,		
			
SIGNATURE:	Benjamin Purser		

RECEIVED

FEB 18 2014

SPC #Z14-03/ 2-5  
PLANNING



# City of Killeen

## Legislation Details

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**File #:** PH-14-019    **Version:** 1    **Name:** WCID Water Treatment Plant Cap Contribution  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearing/Ordinances  
**File created:** 2/26/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance amending the FY 2013-14 Annual Budget and Plan of Municipal Services of the City of Killeen to provide for a \$5,000,000 up-front capital equity contribution to Bell County Water Control and Improvement District No. 1, to facilitate the design and construction of a water treatment plant on Stillhouse Lake.  
**Sponsors:** Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum Ordinance](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Ordinance Amending the FY 2013-14 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Water and Sewer Fund by \$5,000,000 for the up-front capital equity contribution to Bell County Water Control and Improvement District, No. 1 water treatment plant**

### ORIGINATING DEPARTMENT

**Finance**

### BACKGROUND INFORMATION

On February 11, 2014, City Council authorized the Mayor and the City Manager to enter into an agreement amending the City's water supply contract with Bell County Water Control and Improvement District No. 1 for the financing and design of a water treatment plant on Stillhouse Lake. The water treatment plant will be funded in part with a \$5,000,000 up-front contribution from the City's Water and Sewer Fund. The remaining funds for the plant will come from proceeds from the issuance of Revenue Bonds issued by the District on behalf of the City.

### DISCUSSION/CONCLUSION

Delivery of the construction portion of the financing for this project is scheduled to close on March 20, 2014. The City's equity contribution in the amount of \$5,000,000 will be due and payable at this time.

### FISCAL IMPACT

Approval of this budget amendment will increase the Water and Sewer Fund expenditures by \$5,000,000 on account number 550-3405-435.50-96 (WCID-Capital Contribution).

### RECOMMENDATION

Staff recommends that the City Council approve the ordinance amending the FY 2013-2014 Water and Sewer Fund Budget by \$5,000,000.



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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE WCID-CAPITAL CONTRIBUTION EXPENDITURE ACCOUNT (550-3405-435.50-96) IN THE WATER AND SEWER FUND IN THE AMOUNT OF \$5,000,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a budget for operating the Water and Sewer Fund of the City of Killeen for the Fiscal Year October 1, 2013 to September 30, 2014, has been adopted by City Council, in accordance with the City Charter; and

**WHEREAS**, it is the desire of the Killeen City Council to fund \$5,000,000 for the initial capital contribution for the WCID Water Treatment Plant;

**WHEREAS**, the need for the additional funds within the Water and Sewer Fund requires a budget amendment;

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

**SECTION I.** That Ordinance 13-067 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2013 to September 30, 2014, be amended as to the portion of said budget as follows,

<b>Account Number</b>	<b>Account Name</b>	<b>Original Budget</b>	<b>Budget Increase</b>	<b>Amended Budget</b>
550-3405-435.50-96	WCID-Capital Contribution	\$0	\$5,000,000	\$5,000,000

**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 the ordinance shall remain in full force and effect, save and except as amended by this ordinance.

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

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

\_\_\_\_\_  
Daniel A. Corbin, 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 #:** OR-14-010    **Version:** 1    **Name:** Appointment of Presiding and Alternate Election Judges  
**Type:** Ordinance    **Status:** Ordinances / Resolutions  
**File created:** 2/25/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider an ordinance appointing presiding and alternate election judges; precinct number change; and increase in election worker hourly pay.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum Ordinance](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Appointment of Presiding and Alternate Election Judges; Precinct Number Change; and Increase in Election Worker Hourly Pay**

### ORIGINATING DEPARTMENT

**City Secretary/City Attorney**

### BACKGROUND INFORMATION

Section 32.001 of the Election Code requires the City Council to appoint presiding and alternate judges for each of the polling locations used on Election Day. Ordinance No. 14-005 calling for a General Election in May 2014 was passed January 28, 2014.

### DISCUSSION/CONCLUSION

The adoption of an ordinance calling a general election is mandated by state law between January 27<sup>th</sup> and February 11<sup>th</sup>. At the time Ordinance No. 14-005 was adopted a complete list of election judges and their alternates was not available. This amendment names the election judges and their alternates.

The City Secretary's office has polled surrounding cities regarding how much they pay their election workers per hour and has determined that the City of Killeen is not competitive in their pay to election workers. In order to recruit eligible clerks and to keep competitive with surrounding cities, the hourly rate should be increased to \$10.00 per hour.

The Bell County Election Division has combined their precinct 401 and our precinct 407 and renamed that entire area Precinct 401. This change does not affect the boundary lines for the City of Killeen, but in order to keep current with Bell County, Killeen's precinct 407 needs to be changed to Precinct 401.

### FISCAL IMPACT

The average cost to conduct an election is \$50,000.00, and \$50,000.00 has been budgeted in Account No. 010-1010-416.50-45. The joint election agreement between the City and KISD provides that KISD will pay half of election costs.

### RECOMMENDATION

That the proposed amendment ordinance be adopted.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING ORDINANCE NO. 14-005 TO APPOINT THE PRESIDING AND ALTERNATE ELECTION JUDGES FOR THE 2014 GENERAL ELECTION; CHANGING THE HOURLY RATE PAID TO THE ELECTION WORKERS; CHANGING THE NAME OF PRECINCT 407 TO 401; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 14 – 005, passed and adopted on the 28th day of January 2014, called for and set a General Election on the 10<sup>th</sup> day of May 2014; and

**WHEREAS**, state election law allows for the appointment of election officials; and

**WHEREAS**, it is necessary to appoint the presiding and alternate judges for all precincts; and

**WHEREAS**, the hourly rate paid to election workers needs to be increased from \$8.50/hr to \$10.00/hr to keep the City of Killeen competitive with other cities; and

**WHEREAS**, precinct 407 is now known as precinct 401 due to changes made by Bell County.

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

**Section I – Appointment of Election Presiding and Alternate Judges**

That Section 8 of Ordinance No. 14 – 005, passed and approved on January 28, 2014, be, and is hereby amended to provide for the following judges in specific precincts:

Precinct #106 Transforming Life 4107 Westcliff Road	Rose Mary Campbell Hazel Daniels	Presiding Judge Alternate Judge
Precinct #109 St. Joseph Catholic Church 2903 East Rancier	Barbara Freed David Barrett	Presiding Judge Alternate Judge
Precinct #201/204 Fire Station #3 700 Twin Creek Drive	Linda Engmark Elaine James	Presiding Judge Alternate Judge
Precinct #203/208/209/210 Cedar Valley Elementary 4801 Chantz Drive	LeeAnna George Richard Hoxworth	Presiding Judge Alternate Judge

Precinct #205 Jackson Prof. Lrng Ctr 902 Rev. RA Abercrombie	Klaus M. Adam Ewald Coet	Presiding Judge Alternate Judge
Precinct #206/402/409 Senior Center, Lions Park 1700 E. Stan Schlueter	Sue Hallmark W. E. Hallmark	Presiding Judge Alternate Judge
Precinct #207 Copper Mountain Library 3000 S. WS Young Drive	Paul Eishen Darryl Breedlove	Presiding Judge Alternate Judge
Precinct #404 Fire Station #7 3701 Watercrest Road	Phyllis Jones Calvin Lock	Presiding Judge Alternate Judge
Precinct #405 Shoemaker High School 3302 Clear Creek Road	David Reid Erika Reid	Presiding Judge Alternate Judge
Precinct #406 Central Fire Station 201 N. 28 <sup>th</sup> Street	James R. Reynolds Sandra O'Brien	Presiding Judge Alternate Judge
Precinct #407/412/413 Haynes Elementary 3309 W. Canadian River Lp	Bruce Ellyson Yong Ellyson	Presiding Judge Alternate Judge
Precinct #408 Fire Station #5 905 Jasper Street	Art Kinsinger Robert Sowers	Presiding Judge Alternate Judge
Precinct #410 Fire Dept Support Facility 114 West Avenue D	Dorothy Kinsinger Kerry Campbell	Presiding Judge Alternate Judge
<b>Early Voting Ballot Board</b>	Barbara Garrett Terry Traina	Presiding Judge Alternate Judge

## **EARLY VOTING**

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Locations:		
Community Center -	Dorothy Kinsinger Kerry Campbell	Presiding Judge Alternate Judge
Recreation Center -	Arthur Kinsinger Robert Sowers	Presiding Judge Alternate Judge
City Hall -	Kathy Bradley Kathryn Gordon	Presiding Judge Alternate Judge

## **Section II – Change in Hourly Rate of Election Workers**

That Section 8, sentence 3 and 6 of Ordinance No. 14 – 005, passed and approved on January 28, 2014, be, and is hereby amended to read as follows:

*Sentence 3:* “The presiding election judges, alternate presiding judges, and clerks shall be paid ~~\$8.50~~ \$10.00 per hour for serving in such capacities, and the election judges shall be paid an additional \$25.00 for delivering the returns of such election to the City Secretary for proper tabulation.”

“The Early Voting Ballot Board shall be paid a set rate of \$50.00 for serving in such capacity that will include proper tabulation. *Sentence 6:* Provided, however, that should the Early Voting Ballot Board need to reconvene to tabulate provisional ballots, they shall be paid an additional ~~\$8.50~~ \$10.00 per hour for such services.”

## **Section III – Change in Precinct Number**

That Section 7 of Ordinance No. 14 – 005, passed and approved on January 28, 2014, be, and is hereby amended to change the name/description of Precinct 407 to Precinct 401 due to Bell County Election Administration changes. This name/description change of Precinct 407 does not change the precinct boundary lines.

## **Section IV – Severability Clause**

It is hereby declared to be the intention of the City Council of the City of Killeen, Texas that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

## **Section V – Effective Date**

That this ordinance shall be effective upon its passage and approval, according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 11<sup>th</sup> day of March 2014, at which a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.006 *et seq.*

**APPROVED:**

---

Daniel A. Corbin, 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 #:** OR-14-011    **Version:** 1    **Name:** Ordinance Revision SR-1 and SR-2  
**Type:** Ordinance    **Status:** Ordinances / Resolutions  
**File created:** 2/25/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen, amending Chapter 31, Article IV, Divisions 3A and 3B, Districts "SR-1" and "SR-2" Suburban Residential Single-Family Districts.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Minutes](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen, amending Chapter 31, Article IV, Divisions 3A and 3B, Districts "SR-1" and "SR-2" Suburban Residential Single-Family Districts**

### ORIGINATING DEPARTMENT

**Planning and Development Services**

### BACKGROUND INFORMATION

Staff is bringing this item forward as a housekeeping matter to more appropriately align the allowable uses in "SR-1" and "SR-2" with allowable uses in "R-1". The current allowable uses in "SR-1" and "SR-2" are limited to residential use only, which does not address an acceptable range of land uses that are typically seen in residential areas, such as churches, schools, and public buildings.

### DISCUSSION/CONCLUSION

Staff conducted a public hearing on this matter with the Planning and Zoning Commission at the meeting of February 24, 2014.

### FISCAL IMPACT

There is no fiscal impact associated with this action.

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 24, 2014**

**AMENDMENT TO KILLEEN CODE OF ORDINANCES  
CHAPTER 31, ARTICLE IV, DIVISION 3A AND 3B  
DISTRICTS “SR-1” AND “SR-2”**

**HOLD a public hearing and consider amendments to the Killeen Code of Ordinances, Chapter 31, Article IV, Divisions 3A and 3B, Districts “SR-1” and “SR-2” (Suburban Residential Single-Family District), various sections.**

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that this is to allow uses currently allowed in R-1 to be allowed by right in the SR-1 and SR-2 zoning districts. As the city continues to develop to the south, a lot of that land is designated as suburban residential use; the council based on the recommendation of the commission has approved two new zoning districts, both of which only allow residential uses. Based on discussions with KISD, and other current zoning and subdivision activity in-house, the development community is being responsive and is moving forward with school sites within subdivisions. In addition, churches are also looking to move south as the area continues to grow. The ordinance before the commission is basically a r-draft of the current SR-1 and SR-2 to allow any use in Section 31-186, which are the permitted uses currently in R-1.

As discussed during the workshop, staff is looking to remove the word ‘subdivision’ in the purpose statement so that it reads ‘and other uses at densities that are compatible with the Comprehensive Plan. Staff recommends also making adjustments in the area regulations so that any proposed non-residential use in SR-1 and SR-2 would require a 25’ side yard setback, which is also consistent with R-1. This ensures that Churches and schools will not be at the same setbacks as residential homes. City Planner McIlwain remarked that the intent is to facilitate the development process, but to make sure that we do allow a more wholesale view of development.

Commission Alvarez stated the Commission should exercise caution by not allowing all the permitted home occupations in Section 31-186. He thought allowing all of the home occupations would result in something in SR-1 or SR-2 that the City doesn’t necessarily want such as ‘repairing small appliances’.

City Planner McIlwain said that it is simple to enumerate the uses and have it read 31-186 sections 1-12 and leave out home occupations. Currently home occupations are in SR-1 and SR-2 without the other proposed uses. Staff will make changes that the Commission will be comfortable with.

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

Commissioner Alvarez motioned to recommend approval of this zoning request striking the home occupations allowances. Vice Chair Dorroh seconded the motion. The motion passed 4-2, with Commissioners Steine and Cooper in opposition.

Chairman Frederick stated that this will be forwarded to City Council on March 11, 2014, with a recommendation to approve the amendments to Chapter 31, Article IV, Divisions 3A and 3B.

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 31, ARTICLE IV, DIVISIONS 3A AND 3B, “SR-1” AND “SR-2” SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICTS, BY REVISING THE ZONING REGULATIONS AND REQUIREMENTS THEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

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

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

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

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

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

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

**SECTION I.** That Chapter 31, Article IV, Divisions 3A and 3B are hereby amended to read as follows:

|

DIVISION 3A. DISTRICT “SR-1” SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT

**Sec. 31-178. Purpose.**

The “SR-1” suburban residential district is created to provide for single family detached residences and other uses at ~~subdivision~~ densities that are compatible with the Comprehensive Plan's goals for larger baseline minimum lot size and increased setbacks. The “SR-1” district may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. (Ord. No. 12-075, § I, 10-9-12)

**Sec. 31-179. Use regulations.**

A building or premises in a “SR-1” suburban residential single-family district shall be used only for the following purposes:

- (1) Single-family detached dwellings.
- (2) Any use ~~Home occupations, accessory uses and buildings as permitted in sections 31-186(1-13(b)).~~

\*\*\*\*\*

**Sec. 31-181. Area Regulations.**

(a) *Size of yards.* The size of yards in the “SR-1” suburban residential single-family district shall be as follows:

\*\*\*\*\*

(2) *Side yards.* There shall be a minimum of twenty (20) feet between structures on adjacent lots, with a minimum side yard of ten (10) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.

\*\*\*\*\*

**Sec. 31-182. Sign regulations for residential uses.**

\*\*\*\*\*

**Sec. 31-184. Architectural and landscaping regulations.**

\*\*\*\*\*

(b) *Landscaping required.* For residential uses, mMinimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard.

\*\*\*\*\*

DIVISION 3B. DISTRICT “SR-2” SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT

**Sec. 31-185.1. Purpose.**

The “SR-2” suburban residential single family district is created to provide for single family detached residences and other uses at ~~subdivision~~ densities that are compatible with the Comprehensive Plan's goals for larger baseline minimum lot size and increased setbacks. The “SR-2” district may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. (Ord. No. 13-017, § I, 3-12-13)

**31-185.2. Use regulations.**

(a) A building or premises in a “SR-2” suburban residential single-family district shall be used only for the following purposes:

(1) Single-family detached dwellings.

(2) Any use ~~Home occupations, accessory uses and buildings~~ as permitted in sections 31-186(1-13**(b)**).

\*\*\*\*\*

**Sec. 31-185.4. Area regulations.**

(a) *Size of yards.* The size of yards in the “SR-1” suburban residential single-family district shall be as follows:

\*\*\*\*\*

(2) *Side yards.* There shall be a minimum side yard of ten feet (10) feet. A side yard adjacent to a side street shall not be less than twenty (20) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.

\*\*\*\*\*

**Sec. 31-185.5. Sign regulations for residential uses.**

\*\*\*\*\*

**Sec. 31-185.6. Architectural and landscaping regulations.**

\*\*\*\*\*

(b) *Landscaping required.* For residential uses, mMinimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard.

**SECTION II:** That should any action 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 the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of March, 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:**

\_\_\_\_\_  
**Daniel A. Corbin,**

**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 #:** OR-14-012    **Version:** 1    **Name:** Ordinance Revision RC-1  
**Type:** Ordinance    **Status:** Ordinances / Resolutions  
**File created:** 2/25/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen, amending Chapter 31, Article IV, Division 12, District "B-3" Local Business District and amending Chapter 31, Article IV, Division 16, "RC-1" Restaurant and Alcohol Sales District.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Minutes](#)  
[Draft Ordinance](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen, amending Chapter 31, Article IV, Division 12, District "B-3" Local Business District and amending Chapter 31, Article IV, Division 16, "RC-1" Restaurant and Alcohol Sales District**

### ORIGINATING DEPARTMENT

**Planning and Development Services**

### BACKGROUND INFORMATION

Staff presented this item to the City Council at the workshop meeting of January 7, 2014. Following presentation of this item, the City Council directed the staff to revise the Code of Ordinances to allow for the on-premises sale of beer, wine and mixed beverages "by right" in the "B-3" Local Business District. As this involves Chapter 31, staff thought it would be best from a procedural standpoint to begin this revision effort with the Planning and Zoning Commission.

The purpose of this item is to improve our competitiveness in attracting restaurants, particularly fine dining establishments, by eliminating uncertainty and delays in business start ups. Restaurants in Killeen are required to obtain an "RC-1" (Restaurant and Alcohol Sales District) zoning designation from the City Council after going through a public hearing at the Planning and Zoning Commission. This process involves making an application to the City and providing written notice to surrounding property owners in accordance with Local Government Code 211.007 and Killeen Code of Ordinances Section 31-39. However, the uncertainty associated with the "RC-1" zoning process lends itself to hesitancy of prospective restaurateurs in relocating and occupying available lease space or building new establishments. The current practice could be viewed as a deterrent for restaurants to locate in Killeen, and detract from the City's economic development initiatives.

A review of zoning data dating back to 2009 reveals that twenty (20) "RC-1" zoning cases were submitted to the City, with 19 of them being approved and one being withdrawn by the applicant in 2012. This trend data supports the conclusion that the City Council views restaurants that serve alcohol for on-premises consumption in a favorable light. Given the data, it seems reasonable that if the City Council were to allow the on-premises sale and consumption of alcoholic beverages by right for restaurants in certain commercial zoning districts, it would assist these establishments by reducing time and uncertainty. Staff believes that this will lead to a more favorable business environment for the City.

It should be noted that many cities in Texas allow restaurants that sell alcoholic beverages for on-premises consumption by right. For example, Harker Heights is a city that directly competes with Killeen for higher end restaurants and allows this practice. Examples of other Texas cities that allow restaurants with on-premises sale and consumption of alcohol include, but are not limited to, Frisco, Arlington, Corpus Christi, Cedar Park, Fredericksburg and Round Rock. The

City also approved changes to the "UD" University District, which included among its permitted uses "a restaurant permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with Chapter 31, Division 16, Restaurant and Alcohol Sales District, as amended."

## **DISCUSSION/CONCLUSION**

As directed by the City Council, the staff work-shopped this item with the Planning and Zoning Commission. The Planning and Zoning Commission directed staff to bring the draft ordinance forward as a public hearing item for the meeting of February 24, 2014. At that meeting, the Planning and Zoning Commission failed to recommend approval of the attached ordinance by a vote of 3 to 4. Commissioners Steine, DeHart, Dillard and Butler were in opposition to the proposed changes. Commissioners Steine and DeHart did not support the audit language as proposed in Section 31-306.1. There was no subsequent motion, and staff informed the Commission that the item would be advanced to the City Council for consideration.

## **FISCAL IMPACT**

There is no fiscal impact associated with this action.

## **RECOMMENDATION**

The Planning and Zoning Commission failed to secure the necessary votes to recommend approval of the attached ordinance. Staff recommends approval of the ordinance.

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 24, 2014**

**AMENDMENT TO KILLEEN CODE OF ORDINANCES  
CHAPTER 31, ARTICLE IV, DIVISION 16  
RC-1 DISTRICT**

**HOLD a public hearing and consider amendments to the Killeen Code of Ordinances, Chapter 31, Article IV, Division 16, District “RC-1” (Restaurant and Alcohol Sales District).**

Chairman Frederick requested staff comments.

City Planner McIlwain, stated that this request by the City Council is to add the restaurant use in the existing B-3, make RC-1 an inactive district, and carry forward the audit language that is currently in RC-1. Staff has not made any new changes in the ordinance presented tonight; staff will make any amendments that the commission requests and present it to city council.

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 change to RC-1. Commissioner Alvarez seconded the motion.

Commissioner DeHart stated that the cost for a small business to provide an audit as provided in the ordinance could be \$8,000 to \$15,000. He just finished an audit and the cost was \$11,000.

The motion failed 3-4.

Commissioner McIlwain informed the commission that this will be forwarded to City Council.

Chairman Frederick stated that this will be forwarded to City Council on March 11, 2014 without a recommendation from the Planning and Zoning Commission.

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 31, ARTICLE IV, DIVISION 12, “B-3” LOCAL BUSINESS DISTRICT, BY REVISING THE ZONING REGULATIONS AND REQUIREMENTS THEREIN; AMENDING CHAPTER 31, ARTICLE IV, DIVISION 16, BY ESTABLISHING A RESTRICTION ON NEW APPLICATIONS FOR “RC-1” RESTAURANT AND ALCOHOL SALES DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

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

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

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

**WHEREAS**, the City Council has determined that revisions to the “B-3” Local Business District are necessary to reduce burdens on business owners.

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

**SECTION I.** That Chapter 31, Article IV, Divisions 12 is hereby amended to read as follows:

**DIVISION 12. DISTRICT “B-3” LOCAL BUSINESS DISTRICT**

**Sec. 31-306. Use regulations.**

A building or premises in the district “B-3” local business district shall be used only for the following purposes:

- (1) Any use permitted in the “B-2” district.
- (2) Bank, savings and loan or other financial institution.
- (3) Day camp.

- (4) Hospital, home or center for the acute or chronic ill.
- (5) Mortuary or funeral chapel.
- (6) Appliance (household) sales and repair service.
- (7) Bakery or confectionery: engaged in preparation, baking, cooking and selling of products at retail on the premises, with six (6) or less employees.
- (8) Boat and accessory sales, rental and service.
- (9) Bowling alleys.
- (10) Cleaning or laundry (self-service).
- (11) Cleaning, pressing and dyeing: with six (6) or less employees.
- (12) Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater.
- (13) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales.
- (14) Cafeteria or catering service.
- (15) Marine supplies, sales and service.
- (16) Office, general business.
- (17) Restaurant or café with no on-premises alcohol sales and consumption (with drive-in or pick-up service).
- (18) A restaurant permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes (dine-in only).
- ~~(198)~~ Tennis or swim club.
- ~~(2049)~~ Small animal clinic or pet grooming shop.
- ~~(210)~~ Hotel or motel.
- ~~(224)~~ Job printing. Not more than seventeen (17) inches by twenty-five (25) inches page size.
- ~~(232)~~ Gasoline service station, auto laundry or car wash.
- ~~(243)~~ Auto parts sales, new, at retail.
- ~~(254)~~ A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district.
- ~~(265)~~ Theaters of general release.
- ~~(276)~~ Mini/self storage facilities - a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares. No outside storage, sales, service, or repair activities, other than the rental of storage units shall be permitted on premises.

Sec. 31-306.1 Supplemental standards for restaurants engaged in the on-premises sale and consumption of alcohol.

(a) During any consecutive twelve-month period, a restaurant shall not obtain more than fifty (50) percent of its gross receipts from the on-premises sale of alcoholic beverages. When required by the city to verify compliance, documentation certifying compliance with this requirement shall be provided by a certified public accountant or enrolled agent attesting to such fact. At a minimum, an "Independent Accountant's Report" on Applying Agreed-Upon

Procedures of such restaurant by a certified public accountant or enrolled agent, showing the gross receipts derived from the provision of services and goods other than the on-premises sale of alcoholic beverages and the provision of alcoholic beverages service separately shall be provided to the city's planning and development services department within six (6) weeks of the date of the written request from the same. The preparation of this report and any other documentation of this requirement shall be at the expense of the restaurant. In order to verify the finding of the Independent Accountant's Report, the city manager, or his designee, may require the restaurant owner or manager to present the financial books and records of the business for examination. Such request must be complied with within seven (7) business days of the request.

(b) If good cause is found, the city council may require that a full audit of the financial books and records be completed by a certified public accountant, and the audit report provided to the city within six (6) weeks of the request. All costs of the audit shall be borne by the restaurant.

(c) A request for an extension in order to comply with the reporting requirements of 31-306.1(a) must be made in writing and received in the city's planning and development services department no later than the business day prior to the expiration of the deadline established in 31-382(b). No extension longer than 30 days will be granted.

(d) Restaurants may not be within three hundred (300) feet of a church, public or private school or public or private hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school, or public or private hospital shall be as prescribed by the Texas Alcoholic Beverage Code § 109.33, as amended.

**SECTION II:** That Chapter 31, Article IV, Division 16, Section 31-381 is amended to read as follows:

Sec. 31-381. Use regulations.

(a) Uses. A building or premises in the district "RC-1" restaurant and alcohol sales district shall be used only for the following purposes:

\*\*\*\*\*

(b) Inactive district. All properties with an RC-1 district zoning in effect prior to the effective date of the ordinance from which this paragraph is derived shall continue to be allowed to be used for the uses provided in this section, and regulated by the provisions of this section, until such time as the property is rezoned by action initiated by the property owner or by the city. This RC-1 district shall be considered inactive as of the date of the ordinance from which this paragraph is derived [March 11, 2014] and, as such, no new applications for an RC-1 zoning shall be accepted or considered by the city following said date.

**SECTION III:** That should any action 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 IV:** 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 V:** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of March, 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:**

\_\_\_\_\_  
**Daniel A. Corbin,**

**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 #:** OR-14-013    **Version:** 1    **Name:** Appoint Members to Boards and Commissions  
**Type:** Resolution    **Status:** Ordinances / Resolutions  
**File created:** 2/26/2014    **In control:** City Council  
**On agenda:** 3/11/2014    **Final action:**  
**Title:** Consider a memorandum/resolution for the removal from and appointment to various boards, commissions, committees, and commissions sub-committees.  
**Sponsors:** Assistant City Manager Internal Services Departmen  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Applicants](#)

Date	Ver.	Action By	Action	Result
3/4/2014	1	City Council Workshop		

## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**Boards, Commissions, and Committees  
Appointments**

**ORIGINATING DEPARTMENT**

**Assistant City Manager, Internal Services**

### **BACKGROUND INFORMATION**

The City of Killeen has various boards, commissions, committees, and commissions sub-committees. All of these groups serve in advisory capacities and are appointed by the Mayor and City Council. Several actions are available for Council consideration.

### **DISCUSSION/CONCLUSION**

The memorandum/resolution is necessary to remove and appoint memberships of the below-discussed committees. The actions to consider are as follows:

Boards, Commissions, and Commissions Sub-Committees Members - The Mayor and Council make annual appointments and removals to the City's boards, commissions, and commissions sub-committees as well as throughout the year as vacancies occur. The Mayor and Council are voting members of many of these; in some instances they represent the Council on the board as ex-officio members.

#### ***Bell County Health District***

<b>Current Member</b>	<b>Status</b>	<b>New Member</b>	<b>Comments</b>
Dr. Charles Lucey	To be removed		

#### ***Community Development Advisory Committee***

<b>Current Member</b>	<b>Status</b>	<b>New Member</b>	<b>Comments</b>
Brandon Harlee Sr.	Remove		Not Meeting Attendance Requirements

### **RECOMMENDATION**

It is recommended that the City Council remove and appoint individuals to fill vacancies and expired terms.

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

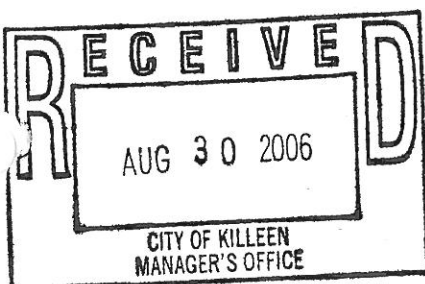
(Just fill in the blanks. The form fields and the form will expand as you type.)

Board/Commission Name (You may list more than one) <del>Board of Adjustment - Construction/Community Development</del> Advisory Committee/ Planning and Zoning Commission	Your Name Berilyn Varnado
Home Address 2707 Hezekiah Drive	Home Phone (with AC)(254) 699-3870
Business Address 501 W. Stan Schleuter Loop	Business Phone (with AC) (254) 526-9352
Occupation Realtor	Resident of Killeen: Yes    Years 5
Are you related to the Mayor, any member of the City Council or City Manager? No X    Yes, Explain	
Special knowledge, experience, or interest applicable to function on board or commission: Licenced Realtor in the state of Texas	
Other information (civic activities, etc.)  None	
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  None	
Signature: Berilyn Varnado	Date: (M/d/yyyy) August 30, 2006
	Updated: <i>Sept '07 / Aug 08 / Aug 10 / Sept 11</i>

*appointed to BOA-Construction 8-14-07*

**RETURN TO: CITY MANAGER'S OFFICE**

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 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-634-8399



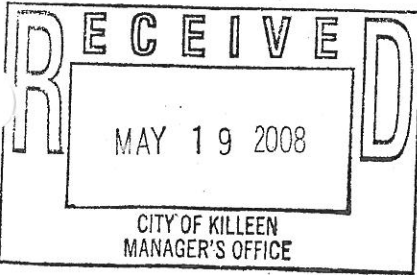
③ - Killen Sister

# City of Killeen BOARD OR COMMISSION CANDIDATE

Data Sheet

①  
②

Board/Commission Name (You may list more than one.) <i>Diversity Coalition</i> <i>Community Development Advisory Comm</i>		Your Name <i>Gladys Casteleiro</i>	
Home Address <del><i>4500 Mildred Ave</i></del> <i>702 Mustang Trail</i> <i>Killeen, TX 76544</i> <i>HH</i>		Home Phone <i>254-768-7568</i>	
Business Address <i>HH</i>		E-Mail <i>gcasteleiro@aol.com</i>	
Business Phone <i>48</i>		Business Phone —	
Occupation <i>Retired</i>		Occupation —	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  <i>1 1/2</i> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: <i>As a former director of the Government of Puerto Rico's office in several states, I have the experience of dealing with different non for profit organizations and teaching them how to apply for different block grants at local and state levels.</i>			
Other information (civic activities, etc.) <i>I also advised them how to deal with their budget and make activities to promote the diversity and culture through the community.</i> <i>I worked closely with different ethnic coalition groups and brought all of them together in order to empower them and their community.</i>			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. <i>LULAC - 1984 - Present</i> <i>Casa of Puerto Rico in Texas - 2007 - Present</i> <i>Women in Action - 2000 - Present</i>			
Signature: <i>Gladys Casteleiro</i>		Date: <i>5-19-08</i>	
		Updated: <i>Aug 08 / Jan 10 / Sept '11</i>	



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# City of Killeen BOARD OR COMMISSION CANDIDATE Data Sheet

Board/Commission Name (You may list more than one.) <i>See</i> <i>Boards of Adjustment and Appeals</i> <i>Northside</i> <i>Planning and Zoning Commission</i> <i>Community Development Advisory Committee</i>		Your Name <b>Millie Cotto</b>	
Home Address • Killeen, Texas <b>3708 Republic of Texas Drive Killeen, TX 76549</b>		Home Phone <b>254-284-5731</b>	E-Mail <b>milcotto@aol.com</b>
Business Address <b>3400 E CTE Suite 107 Killeen, TX 76543</b>		Business Phone <b>254-284-5731</b>	Occupation <b>Real Estate Broker</b>
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen <b>39</b> Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: <b>Have four year degree in Accounting served as GS 12 with civil service with the OFFICE OF INSPECTOR GENERAL over 11 years in Real Estate Have Real Estate Broker's License</b>			
Other information (civic activities, etc.)			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.			
Signature: <i>Millie Cotto</i>		Date: <b>Sept 7, 2010</b>	
		Updated: <b>Sept 11</b>	

*Appointed to  
BOM-Zoning 11-22-10*

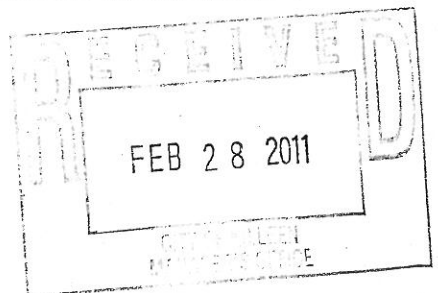
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**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <i>COMMUNITY DEVELOPMENT ADVISORY COMMITTEE</i>		Your Name <i>LINDA STRICKLAND</i>	
Home Address <i>605 ALEXANDER KILLEEN TX 76541</i>		Home Phone <i>394-3761</i>	
		E-Mail <i>salt+pepper51@hotmail.com</i>	
Business Address		Business Phone	
		Occupation	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  <i>26</i> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission:  <i>15 yrs WORKING WITH CABG &amp; HOME</i>			
Other information (civic activities, etc.)  <i>BOARD MEMBER - HEAD START</i>			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.			
Signature: <i>Linda Strickland</i>		Date: <i>2/28/11</i>	
		Updated: <i>Sept 11</i>	

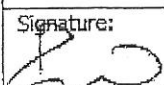
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**City of Killeen  
BOARD OR COMMISSION CANDIDATE**

Data Sheet

*Bell County Health District*

Board/Commission Name (You may list more than one.) <i>Community Development Advisory Com. KILLEE HOUSING AUTHORITY BELL COUNTY HEALTH DISTRICT</i>	Your Name <i>RENA'ERNORIEGA</i>	
Home Address <i>4704 GLENDAK DRIVE KILLEEN, TX. 76542</i>	Home Phone <i>(254) 690-5315</i>	E-Mail <i>rena12@yahoo.com</i>
Business Address	Business Phone  Occupation <i>HOME MAKER</i>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input checked="" type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  <i>25</i> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain
Special knowledge, experience, or interest applicable to function on board or commission: <i>MY AWARDS ARE LENGTHY, IF YOU WOULD VIEW MY WEBSITE: NOJM.WEBS.COM</i>		
Other information (civic activities, etc.) <i>NAACP AS THEIR COMMUNITY COORDINATOR (2009-2011)</i>		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. <i>MECCA ORGANIZATION</i>		
Signature: 	Date: <i>2-24-2012</i>	
	Updated:	

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Killeen, Texas 76540

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FEB 24 2012

**City of Killeen  
BOARD OR COMMISSION CANDIDATE**

Data Sheet

P#2

Board/Commission Name (You may list more than one.) <b>CDAC Arts Commission</b>		Your Name <b>LARRY K. COLE</b>	
Home Address <b>1702 HALBERT</b>		Home Phone <b>254-526-4418</b>	
		E-Mail <b>Larryc@centexbiz.com</b>	
Business Address <b>1702 HALBERT</b>		Business Phone <b>254-526-5843</b>	
		Occupation <b>REAL ESTATE APPRAISER</b>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Resident of Killeen <b>40</b> Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission:  <b>SEE RESUME</b>			
Other information (civic activities, etc.)  <b>SEE RESUME</b>			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  <b>SEE RESUME</b>			
Signature: <b>Larry K. Cole</b>		Date: <b>08/04/2012</b>	
		Updated:	

**RECEIVED**  
8-7-12

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 Killeen, Texas 76540  
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**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) Community Development Advisory, Animal Advisory, Tree Advisory, Killeen Housing Authority	Your Name <b>Peter J. Stanonik IV</b>	
Home Address 24452 FM 2670 Killeen, TX 76549	Home Phone 254.690.5126	
	E-Mail pjsiv@yahoo.com	
Business Address Same as above.	Business Phone 254.462.4980	
	Occupation Self employed	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  <div style="text-align: center; font-size: 2em;">12</div> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: Knowledgeable in plants, trees & gardening. Knowledgeable in housing, land use and real estate issues. Good with people and animals. Personable and able to communicate with people of different backgrounds, cultures and ethnic origins.		
Other information (civic activities, etc.) Local political affairs, rehabbing foreclosed properties and abating code violations.		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. None.		
Signature:	Date: 08/15/2012	
	Updated:	

**RECEIVED**  
 8-16-12

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 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-634-8399  
 wholverson@killeentexas.gov

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) Board of Personnel Hearing, Planning and Zoning, Community Development Advisory, Adjustment and Appeals	Your Name <h2 style="margin: 0;">Sandra Johnson</h2>	
Home Address 4702 Jim Ave Killeen, Texas 76549	Home Phone 254 2009604	
	E-Mail sandra.g.johnson26.civ@mail.mil	
Business Address Network Enterprise Center (NEC) Fort Hood, Texas	Business Phone 254 5532001	
	Occupation General Telecommunications Tech	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input checked="" type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  <div style="text-align: center; font-size: 2em;">8</div> _____ Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: Educated and Worked with special need children for 19 years. Experienced with military education systems on and off post. Volunteered in overseas program to stop bullying in middle schools. Have attended town hall meetings in Killeen, and in Belton Have voted in all city elections, assisted during voting		
Other information (civic activities, etc.) Current Member of: KILLEEN CITIZENS ON PATROL, CITIZEN POLICE ACADEMY ALUMNI		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. NONE		
Signature: JOHNSON.SANDRA.G.1128843988	Date: 08/21/2012	
<small>Digitally signed by JOHNSON.SANDRA.G.1128843988          DN: cn=JOHNSON.SANDRA.G.1128843988, o=KILLEEN, ou=KILLEEN, email=JOHNSON.SANDRA.G.1128843988@CITYOFKILLEEN.TX, c=US</small>		Updated:

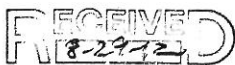
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**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <small>Personnel Hearing Board          Civil Service Commission          Community Development          Senior Citizen Advisory</small>	Your Name <h2 style="margin: 0;">Valerie Jordan</h2>	
Home Address 2405 Traverse Drive	Home Phone 254 634 5914	E-Mail widowjordan1@yahoo.com
	Business Address  Business Phone  Occupation Retired	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  <h2 style="margin: 0;">13</h2> Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: BS Degree Management U.S. Army Auditor - 17 years Contract Auditor- 5 years EEO Counselor - 6years Management Analyst - 10 Years		
Other information (civic activities, etc.)   		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.   		
Signature: valerie jordan <small>Digitally signed by valerie jordan          DN: cn=valerie jordan, o=city of killeen, email=widowjordan1@yahoo.com, c=US          Date: 2012.08.29 10:58:04 -0500</small>	Date: 08/29/2012	
Updated:		



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**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <div style="border: 1px solid black; padding: 2px; width: fit-content;">Sr. Citizens Adv. Comm. Civil Service Comm. CDAC</div>	Your Name <div style="border: 1px solid black; padding: 2px; width: fit-content;">Mr. Tracy Robeson Master Sergeant USA Ret.</div>
Home Address <div style="border: 1px solid black; padding: 2px; width: fit-content;">1405 Clairidge Ave Killeen, Texas 76549</div>	Home Phone <div style="border: 1px solid black; padding: 2px; width: fit-content;">(254) 554-3428</div>
Business Address <div style="border: 1px solid black; padding: 2px; width: fit-content;">NA</div>	Business Phone  Occupation <div style="border: 1px solid black; padding: 2px; width: fit-content;">Retired Texas State employee-Retired US Army</div>
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  <div style="border: 1px solid black; padding: 2px; width: fit-content;">25</div> Years
Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____	
Special knowledge, experience, or interest applicable to function on board or commission:  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">I have over 20 yrs of experiences in a myriad of KSA with business, HR, personnel, customer services, planning and overseeing programs.</div>	
Other information (civic activities, etc.)  <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 10px auto;">NA</div>	
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">Former City of Killeen board member of: 1. Community Development Advisory Committee 2. Killeen personnel hearing board/committee</div>	
Signature: <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">Mr. Tracy Robeson</div>	Date: <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">December 10, 2012</div>
Updated: <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">December 10, 2012</div>	

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12-10-12



**BOARD, COMMISSION, or COMMITTEE CANDIDATE  
Application**

Board/Commission/Committee (you may list more than one) Civil Service Commission Personnel Hearing Board Community Development Advisory Committee	Your Name <b>Eric McConaughey</b>	
	Home Phone <b>254-466-2727</b>	
Home Address <b>4812 Cinnabar Way Killeen, Tx 76542</b>	Cell Phone: <b>254-466-2727</b>	
	E-Mail <b>mouse1096@yahoo.com</b>	
Business Address	Business Phone <b>254-287-1787</b>	
	Occupation <b>Training Specialist</b>	
Arts Commission applicants - Check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes: 21 _____ Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
	Special knowledge, experience, or interest applicable to function on board, commission, or committee: <b>Have been in Management positions with different companies, solving a variety of complex issues.</b>	
Other information (civic activities, etc.) <b>None</b>		
List other boards, commissions, or committees (if any) on which you have served or are now serving, including the dates of service. <b>None</b>		
Signature:	Date:	
	Updated:	

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AUG 21 2013  
Assistant City Manager  
Internal Services



**BOARD, COMMISSION, or COMMITTEE CANDIDATE  
Application**

Board/Commission/Committee (you may list more than one) Community Development Advisory Committee Killeen Volunteers, Inc.		Your Name <b>Sharon Denise Butts</b>	
		Home Phone 254-699-8448	
Home Address 4919 Birmingham Circle Killeen, Texas 76542		Cell Phone: 254-669-1022	
		E-Mail sharonbutts64@gmail.com	
Business Address 36000 Darnall Loop Fort Hood, Texas 76544		Business Phone 254-288-8161	
		Occupation Medical Records Clerk	
Arts Commission applicants - Check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes: 13 Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board, commission, or committee: I'm eager to serve my community in this capacity as I'm interested in the beautification of Killeen especially our neighborhoods.			
Other information (civic activities, etc.) New member of the NAACP, Killeen Chapter			
List other boards, commissions, or committees (if any) on which you have served or are now serving, including the dates of service.			
Signature <i>Sharon Butts</i>		Date: 22 Aug 2013	
		Updated:	

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AUG 22 2013

Assistant City Manager  
Internal Services



**BOARD, COMMISSION, or COMMITTEE CANDIDATE  
Application**

Board/Commission/Committee (you may list more than one)  <b>Community Devel</b>	Your Name <b>Brandon Hennessee</b>	
	Home Phone	
Home Address  <b>4005 Shumard Drive</b>	Cell Phone: <b>(254) 813-3935</b>	E-Mail
	Business Address	
Business Address	Business Phone	
	Occupation <b>Assistant Manager</b>	
Arts Commission applicants - Check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes: _____ Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board, commission, or committee:  <b>I grew up in a low income household</b>		
Other information (civic activities, etc.)  <b>N/A</b>		
List other boards, commissions, or committees (if any) on which you have served or are now serving, including the dates of service.  <b>N/A</b>		
Signature:	Date: <b>08/25/2013</b>	
<b>Brandon Hennessee</b>	Updated:	

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**Assistant City Manager  
Internal Services**



**BOARD, COMMISSION, or COMMITTEE CANDIDATE  
Application**

Board/Commission/Committee (you may list more than one) Tax Increment Reinvestment Zone #2 Community Development Advisory Committee	Your Name <b>Jason M. Tyra</b>	
Home Address 4305 Neta Drive Killeen, TX 76549	Home Phone	
Business Address PO Box 690161 Killeen, TX 76549	Cell Phone: <b>469-223-2925</b>	
	E-Mail <b>jason.m.tyra@gmail.com</b>	
Arts Commission applicants - Check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Business Phone <b>254-449-7995</b>	Occupation <b>Certified Public Accountant</b>
	Resident of Killeen <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes: 6 _____ Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board, commission, or committee: <b>I am a Certified Public Accountant in private practice in Killeen. I typically work with companies in the startup and growth phases of development. My areas of specialization are taxation and assurance services.</b>		
Other information (civic activities, etc.) <b>United States Army Reserve</b>		
List other boards, commissions, or committees (if any) on which you have served or are now serving, including the dates of service. <b>None</b>		
Signature:  <i>Jason M. Tyra</i>	Date: <b>08/22/2013</b>	
	Updated:	

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AUG 22 2013

**Assistant City Manager  
Internal Services**





**BOARD, COMMISSION, or COMMITTEE CANDIDATE  
Application**

Board/Commission/Committee (you may list more than one) Community Development Advisory Committee, Housing Authority, Killeen Volunteers, Inc., Sister Cities Board of Directors	Your Name <b>Sharan E. Dockery</b>	
	Home Phone <b>254-317-3611</b>	
Home Address 7134 Ardennes Loop Fort Hood, TX 76544	Cell Phone: <b>254-317-3611</b>	
	E-Mail <b>sedockery@yahoo.com</b>	
Business Address 49017 Santa Fe Ave Fort Hood, TX 76544	Business Phone <b>254-287-6180</b>	
	Occupation <b>Housing Manager, Fort Hood</b>	
Arts Commission applicants - Check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes: 1 _____ Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
	Special knowledge, experience, or interest applicable to function on board, commission, or committee: I have previous experience on the Charles County Maryland Commissioner's Board for Women, 35 years as a federal employee, 16 years of housing experience with DoD and a military spouse. I'd like to change the negative stigma about living in Killeen, Texas and help to educate and embrace diversity.	
Other information (civic activities, etc.) A member of the Killeen Alumnae Chapter of Delta Sigma Theta.		
List other boards, commissions, or committees (if any) on which you have served or are now serving, including the dates of service. Charles County Maryland Commissioner's Board for Women, Appointed Feb 2002 - Feb 2006, Member of Professional Housing Management Association since May 1997		
Signature:  DOCKERY.SHARAN.E.1009422370 <small>Digitally signed by DOCKERY SHARAN E 1009422370 DN: cn=DOCKERY SHARAN E, o=KILLEEN TEXAS Date: 2013.08.27 13:06:18 -0500</small>	Date: <b>August 27, 2013</b>	
	Updated:	

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**Assistant City Manager  
Internal Services**

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CITY OF KILLEEN

CITY OF KILLEEN  
FINANCE DEPARTMENT

**BOARD, COMMISSION, or COMMITTEE CANDIDATE  
Application**

Board/Commission/Committee (you may list more than one) <i>Community Development advisory Committee</i>		Your Name <i>Kathryn Bradley</i>	
		Home Phone <i>(254) 526-0107</i>	
Home Address <i>1900 Bacon Ranch Rd. #1505 Killeen, TX 76542</i>		Cell Phone: <i>(254) 462-1183</i>	
		E-Mail <i>kathrynbradley7@hotmail.com</i>	
Business Address <i>---</i>		Business Phone <i>---</i>	
		Occupation <i>social work, case manager, case manager</i>	
Arts Commission applicants - Check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes: <i>28</i> Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board, commission, or committee: <i>Yes. I have experience in the function on many committees. I were a judge in the political arena, for five times and acquired skills to use critical thinking before advising.</i>			
Other information (civic activities, etc.) <i>Volunteer all over town and in church also, volunteer for NAACP, Executive board member and Housing Chair for that organization more than 15 yrs. Volunteer in planning the home less shelter, food for Shariq Heb, Surs.</i>			
List other boards, commissions, or committees (if any) on which you have served or are now serving, including the dates of service. <i>Board of the NAACP, and Democratic Judge 5 times and remain as voting administrator, on each election. The first. A pro-american to work as clerk for early voting in Bell county (Killeen) in the history of early voting.</i>			
Signature: <i>Kathryn Bradley</i>		Date: <i>Aug. 30, 2013</i>	
		Updated:	

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*W* AUG 30 2013

Assistant City Manager  
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