



City of Killeen

Agenda

City Council Workshop

Tuesday, September 6, 2016

2:00 PM

Utility Collections
Conference Room
210 West Avenue C
Killeen, Texas 76541

**DISCUSSION ITEMS NOT COMPLETED BY 5:00 P.M. WILL CONTINUE AT UTILITY
COLLECTIONS FOLLOWING THE SPECIAL CITY COUNCIL MEETING**

Citizens Petitions and Information

[CP-16-004](#) Linda Marzi (1514 Rose Ave) - Animal Services

Items for Discussion at Workshop

[DS-16-129](#) Discuss Agenda Items for the Regular City Council Meeting of
September 13, 2016

[DS-16-130](#) Discuss FY 16-17 Proposed Budget Cuts

[DS-16-131](#) Update - City Manager Search Process

[DS-16-132](#) Discuss AIP FAA Airport Grant

[DS-16-133](#) Report from Audit Committee

Items for Regular City Council Meeting of September 13, 2016

Minutes

[MN-16-022](#) Consider Minutes of Regular City Council Meeting of August 23, 2016.

Attachments: [Minutes](#)

[MN-16-023](#) Consider Minutes of Special City Council Meeting of August 30, 2016.

Attachments: [Minutes](#)

Resolutions

[RS-16-083](#) Consider a memorandum/resolution appointing citizens/members to
various boards, commissions, and commissions sub-committees.

Attachments: [Council Memorandum](#)

[RS-16-102](#) Consider a memorandum/resolution approving a termination agreement

with Subway Real Estate, LLC for leased premises at Killeen-Fort Hood Regional Airport.

Attachments: [Council Memorandum](#)

[Subway Termination Agreement](#)

[RS-16-103](#)

Consider a memorandum/resolution authorizing Change Order No. 61 with James Construction Group, LLC to the US 190/FM 2410/Rosewood Drive project.

Attachments: [Council Memorandum](#)

[Change Order](#)

[Change Order Worksheet](#)

[RS-16-104](#)

Consider a memorandum/resolution approving an agreement with the Killeen Economic Development Corporation to provide economic development services.

Attachments: [Council Memorandum](#)

[KEDC Agreement](#)

[RS-16-105](#)

Consider a memorandum/resolution approving an agreement with the Greater Killeen Chamber of Commerce to provide economic development services.

Attachments: [Council Memorandum](#)

[GKCC Agreement](#)

[RS-16-106](#)

Consider a memorandum/resolution amending rates and fees for the Killeen Civic and Conference Center complex.

Attachments: [Council Memorandum](#)

[Rental Rates - Proposed](#)

Public Hearings

[PH-16-032](#)

HOLD a public hearing and consider an ordinance requested by Kay Hedden (Case #Z16-15) to rezone 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from "R-1" (Single-Family Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District). The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas.

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

[PH-16-033](#) HOLD a public hearing on the FY 2017 Proposed Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017, and proposed changes to such budget. (2nd of 2 Public Hearings)

Attachments: [Council Memorandum](#)

Ordinances

[OR-16-012](#) Consider an ordinance approving Killeen Arts Commission recommendations for grant allocations of FY17 Hotel Occupancy Tax funds.

Attachments: [Council Memorandum](#)
[FY 17 Arts Commission Grant Recommendations](#)
[Ordinance](#)

[OR-16-013](#) Consider an ordinance amending Chapter 2 (Fees) and Chapter 30 (Water, Sewers and Sewage Disposal) of the City of Killeen Code of Ordinances by adjusting Community Service Fees and implementing a Water Rate Design Change.

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

[OR-16-014](#) Consider an ordinance repealing the discount for early payment of ad valorem taxes, installment payment plan and penalties for delinquent payment of ad valorem taxes.

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

[OR-16-015](#) Consider an ordinance adopting a budget for operating the municipal government of Killeen for the fiscal year October 1, 2016, through September 30, 2017.

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

[OR-16-016](#) Consider a memorandum/resolution ratifying the property tax increase

reflected in the Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017.

Attachments: [Council Memorandum](#)

[OR-16-017](#) Consider an ordinance setting the Tax Rate for Fiscal Year 2017.

Attachments: [Council Memorandum](#)

[Ordinance](#)

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on September 2, 2016.

Dianna Barker, City Secretary

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

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

Notice of Meetings

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

- *GKCC Annual Banquet, September 22, 2016, 6:00 p.m., Killeen Civic and Conference Center*
- *Hispanic American Chamber Banquet, September 24, 2016, 6:00 p.m., Courtyard Marriott*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: CP-16-004 **Version:** 1 **Name:** Linda Marzi (1514 Rose Ave) - Animal Services
Type: Citizen Petition **Status:** Citizens Petitions
File created: 8/17/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Linda Marzi (1514 Rose Ave) - Animal Services
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: DS-16-129 **Version:** 1 **Name:** Discuss Agenda Items
Type: Discussion Items **Status:** Discussion Items
File created: 8/19/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Discuss Agenda Items for the Regular City Council Meeting of September 13, 2016
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: DS-16-130 **Version:** 1 **Name:** Discuss FY 16-17 Proposed Budget Cuts
Type: Discussion Items **Status:** Discussion Items
File created: 8/31/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Discuss FY 16-17 Proposed Budget Cuts
Sponsors: City Manager Department, City Council
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: DS-16-131 **Version:** 1 **Name:** Update - City Manager Search Process
Type: Discussion Items **Status:** Discussion Items
File created: 8/30/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Update - City Manager Search Process
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: DS-16-132 **Version:** 1 **Name:** Discuss AIP FAA Airport Grant
Type: Discussion Items **Status:** Discussion Items
File created: 8/30/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Discuss AIP FAA Airport Grant
Sponsors: Aviation Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: DS-16-133 **Version:** 1 **Name:** Report from Audit Committee
Type: Discussion Items **Status:** Discussion Items
File created: 9/1/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Report from Audit Committee
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: MN-16-022 **Version:** 1 **Name:** Minutes of Regular City Council Meeting of August 23, 2016
Type: Minutes **Status:** Minutes
File created: 8/19/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of August 23, 2016.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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City of Killeen
Regular City Council Meeting
Killeen City Hall
August 23, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

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

Mr. Jones gave the invocation, and Councilmember Fleming led everyone in the Pledge of Allegiance.

Approval of Agenda

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

Minutes

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

Motion was made by Councilmember Kilpatrick to approve the minutes of the August 16th Special City Council Meeting. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

Resolutions

RS-16-097 Consider a memorandum/resolution authorizing the rejection of Bid No. 16-21 for the F.M. 3470 and Bunny Trail Drainage Improvement project.

Staff comments: Scott Osburn

One (1) bid was received from TTG Utilities, LP. The bid was evaluated and a discrepancy in the base bid was found. City staff recommends that the City Council reject the bid submission from TTG Utilities, LP, for Bid 16-21 for the F.M. 3470 and Bunny Trail Drainage Improvement project due to cost.

Motion was made by Councilmember Okray to approve RS-16-097. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-16-098 Consider a memorandum/resolution approving a proposal for the purchase and installation of wildlife hazard reduction equipment at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.

Staff comments: Matthew Van Valkenburgh

Staff has negotiated a contract with Reed-Joseph International for the purchase and installation of the Wildlife Hazard Reduction Equipment at KFHRA/RGA AF, for the

amount of \$147,135.00. Staff recommends the City Council award a contract to Reed-Joseph International in the amount of \$147,135.00 for the Wildlife Hazard Reduction Equipment and authorize the City Manager to execute all necessary contract documents and any and all change orders within the amounts set by state and local laws.

Motion was made by Councilmember Johnson to approve RS-16-098. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-16-099 Consider a memorandum/resolution authorizing the execution of Change Order No. 10 to McLean Construction, Inc. for the Trimmier Road Widening Project.

Staff comments: David Olson

Change Order No. 10 modifies plan quantities for items of work to the City's Trimmier Road Widening project. The additional quantities are needed to ensure connectivity of the new intersections to the City's existing signalization system and Traffic Management Center and to meet new accessibility standards. City staff recommends the City Council authorize the City Manager to execute Change Order No. 10 with McLean Construction, Inc., increasing the cost of the contract by \$128,861.10.

Motion was made by Councilmember Okray to approve RS-16-099. Motion was seconded by Councilmember Rivera. Motion failed 3 to 4 with Councilmember Johnson, Councilmember Young, Councilmember Kilpatrick, and Councilmember Fleming opposing.

RS-16-100 Consider a memorandum/resolution authorizing a lease agreement amendment with Bell County Human Services for space at the Killeen Arts & Activities Center.

Staff comments: Kathy Davis

The county would like to propose a one-year term with two (2) additional one (1) year terms. Staff recommends that council approve this lease amendment with Bell County and authorize the interim city manager to execute the lease agreement - Amendment No.1 with Bell County for the space at the Killeen Arts & Activities Center occupied by Bell County Human Services.

Motion was made by Councilmember Fleming to approve RS-16-100. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

RS-16-101 Consider a memorandum/resolution authorizing completing the process to establish a Transportation Utility and implement a Transportation Utility Fee.

Staff comments: Scott Osburn

A Transportation Utility Fee (TUF) or Transportation User Fee (TUF) is a monthly fee based on use of the transportation system. The fees are calculated proportionately to road demand usage based on vehicle miles traveled per land use. The establishment of a TUF to fund road maintenance lessens the reliance on general funds for roadway maintenance and improvements and provides a sustainable source of funding for street maintenance. City staff recommends that City Council formally authorize the completion of the TUF establishment and TUF fee implementation processes, to include authorizing the City Manager to move forward with the process as detailed above.

Dr. Farris spoke on the 'why' the city needs a TUF and explained what the TUF funds would be used for.

Councilmember Young stated for the record that he is in favor of TUF as a solution to long term street problems.

Motion was made by Councilmember Rivera to disapprove RS-16-101. Motion was seconded by Councilmember Kilpatrick. Motion carried 6 to 1 with Councilmember Young opposing.

Ordinances

OR-16-011 Consider an ordinance repealing Chapter 24, Article II, Division 4, Section 24-87 of the Killeen Code of Ordinances dissolving residential curbside recycling service and amending Chapter 24, Article II, Division 6, Recycling rates.

The City Secretary read the caption of the ordinance.

AN ORDINANCE REPEALING CHAPTER 24, ARTICLE II, DIVISION 4, SECTION 24-87 RESIDENTIAL CURBSIDE RECYCLING SERVICE AND AMENDING CHAPTER 24, ARTICLE II, DIVISION 6, SECTION 24-117 RECYCLING RATES, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, OF THE SOLID WASTE SYSTEM; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Scott Osburn

The City's adopted Solid Waste Master Plan recommends dissolving residential curbside collection of recyclable materials because it is not cost effective. City staff recommends that City Council approve the attached ordinance repealing the residential curbside recycling program and amending related fees, effective October 1, 2016, and authorize the City's Solid Waste Division to effectuate the cessation of the program to include, without limitation, notifying customers, ceasing to accept new recycling customers, and ceasing to replace bins of existing customers when lost, damaged or destroyed, and liquidating assets in accordance with City policies.

Motion was made by Councilmember Okray to approve OR-16-011. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Public Hearings

PH-16-028 HOLD a public hearing and consider an ordinance requested by 439 Lakeview Development Ltd. (Case #Z16-14) to rezone approximately 8.12 acres, being Lots 1-13, Block 11, Lots 1-4, Block 12 and Lots 1-4, Block 13, Lakeview Park Subdivision, from "R-3" (Multifamily Residential District) and "B-3" (Local Business District) to a Planned Unit Development (PUD) for "SF-2" (Single-Family Residential District) uses. The properties are locally known as 1500 through 1506, 1508, 1510, 1512, 1601, 1603, 1605, 1606, 1608 through 1613 and 1701 Justin Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-3 (MULTIFAMILY RESIDENTIAL DISTRICT) AND B-3 (LOCAL BUSINESS DISTRICT) TO A PLANNED UNIT

DEVELOPMENT (PUD) WITH SF-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified sixteen (16) surrounding property owners regarding this request. Staff has received a response of support from Dale Hennig, the owner of 1700 and 1702 Cedarview Circle. The Planning and Zoning Commission recommended approval of the applicant's PUD request, excluding Lots 1 through 3 and the remainder tract, which are located at the northwest corner of the concept plan. The purpose of excluding this portion of the property from the concept plan is to reduce the total number of lots from thirty-three (33) to thirty (30), thus removing the need for two access points.

Mayor Segarra opened the public hearing.

Ben Purser, 3306 Lineage Loop - spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-16-028. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Mayor Segarra announced that the City Council will adopt the FY 2017 Annual Budget and Tax Rate at the regular city council meeting on Tuesday, September 13th, 5:00p.m. at City Hall Council Chambers.

Adjournment

With no further business, upon motion being made by Mayor Pro-tem Moore, seconded by Councilmember Kilpatrick, and unanimously approved, the meeting was adjourned at 6:15 p.m.



City of Killeen

Legislation Details

File #: MN-16-023 **Version:** 1 **Name:** Minutes of Special City Council Meeting of August 30, 2016
Type: Minutes **Status:** Minutes
File created: 8/19/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider Minutes of Special City Council Meeting of August 30, 2016.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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City of Killeen
Special City Council Meeting
Killeen City Hall
August 30, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

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

Approval of Agenda

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

Public Hearings

PH-16-029 HOLD a public hearing on the tax rate for the fiscal year October 1, 2016 through September 30, 2017 and setting the date of September 13, 2016 to adopt the tax rate. (1st of 2 Public Hearings)

Staff comments: Johnathan Locke

On August 16, 2016 City Council set the preliminary tax rate for the FY 2017 Proposed Annual Budget and Plan of Municipal Services at the current adopted rate of .7498. The effective rate for FY 2017 is .7368. August 30, 2016, is the first of two public hearings. The second public hearing will be held at a City Council meeting on September 6, 2016.

Mayor Segarra opened the public hearing.

Larry Smith, 4306 Teal Drive - spoke against a tax rate increase.

Darrel Peters, 3513 Bamboo Lane - spoke against a tax rate increase.

George Arnold, 3400 Toledo Drive - spoke against a tax rate increase.

Renate Reams, 6705 Alvin Drive - spoke against a tax rate increase.

Sandra Johnson, 4702 Jim Ave - spoke against a tax rate increase.

Wendy Cahill, 3400 Hereford Lane - spoke against a tax rate increase.

Arturo Cortez, 406 Alexander Street - spoke against a tax rate increase.

Araceli Cook, 2803 Derby Drive - does not have problem with proposed tax rate.

Daniel Chavez, 4913 Parkwood Drive - spoke against a tax rate increase.

Brigitte Roman, 1302 Loyal Lane - spoke against a tax rate increase.

Steve Suralie, 3905 Edgefield Street - spoke against a tax rate increase.

Mark Clifford, 1006 San Antonio Street -not against or for a tax rate increase.

Maxine Hancock, 1505 Nicholas Circle - spoke against a tax rate increase.

Kathy Harkin, 6607 Rein Drive - not for or against a tax rate increase.

Eddie Malbroue, 1406 Pine Drive - spoke against a tax rate increase.

Harold Butchart, 309 S. 2nd Street - spoke against a tax rate increase.

Milsa Nazario, 1212 Wales Drive - spoke against a tax rate increase.

Raul Villaronga, 602 Trout Cove - opposes a raise in the tax rate and understands that the city council is not proposing to raise the tax rate.

With no one else appearing, Mayor Segarra closed the public hearing.

Next public hearing will be Tuesday, September 6, 2016.

Mayor Segarra announced that the City Council will vote on the FY2017 Tax Rate and Budget with any proposed changes on Tuesday, September 13th at 5:00p.m., City Hall Council Chambers.

Adjournment

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



City of Killeen

Legislation Details

File #: RS-16-083 **Version:** 1 **Name:** Appoint Members to Boards, Commissions, and Sub-Committees
Type: Resolution **Status:** Resolutions
File created: 7/13/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider a memorandum/resolution appointing citizens/members to various boards, commissions, and commissions sub-committees.
Sponsors: City Manager Department, City Secretary
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
7/19/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

**Boards, Commissions, and Committee
Appointments - Citizen Engagement**

ORIGINATING DEPARTMENT

City Attorney/City Secretary

BACKGROUND INFORMATION

The City of Killeen has various boards, commissions, and committees that serve in an advisory capacity.

DISCUSSION/CONCLUSION

In order to make appointments and reappointments, City Council action is required. The following listing represents opportunities for both.

Animal Advisory Committee (City Manager)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Petra Cannon	Term Expired		Citizen Rep	N	Y
Katherine Fischer	Term Expired		Citizen Rep	N	Y
George Fox	Term Expired		Humane Society Rep	Y(12)	Y
Lynette Broughton	Term Expired		Citizen Rep	N	Y

Arts Commission (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
John Doranski	Term Expired		Member-at-Large	N	Y
Mike Bartoszek	Term Expired		Music/Radio/TV	N	Y
Fatima Fortenberry	Resigned		Dance/Drama/Writing		
Anthony Cooper	Resigned		Member-at-Large	N	Y
Ralph Cossey	Term Expired		Member-at-Large	N	Y
Nina Cobb	Term Expired		Member-at-Large	N	Y

Board of Adjustment - Construction (Sub-Comm: J. Okray, B. Moore)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Eugene Kim	Term Expired		Alt General Contractor	N	N
Lee Mitchell	Term Expired		General Contractor	Y(10)	Y

Board of Adjustment - Fire Prevention Code (Sub-Comm: J. Kilpatrick, Jonathan Okray)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Michael Neujahr	Term Expired			N	Y
Charles Guidry	Resigned				
Tommy Litton	Term Expired		Alternate	N	Y
Clifford Pinkerton	Term Expired			N	Y

Board of Adjustment - Airport Hazard Zoning (Sub-Comm: S. Fleming, B. Moore)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Phil Haggerty	Term Expired			Y(12)	Y
George Loffert	Resigned				
Barbara Taylor	Term Expired			N	Y

Board of Adjustment - Zoning (Sub-Comm: J. Kilpatrick, J. Okray)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Millie Cotto	Term Expired			Y(6)	Y
Sandra Johnson	Term Expired			N	Y
Joel Steine	Term Expired			N	Y
Ursula Rushing	Term Expired		Alternate	N	N

Civil Service Commission (City Manager)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Dirk Davis	Term Expired			N	Y

Community Development Advisory Committee (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Richard Banta	Term Expired			N	Y
Kim Barr	Term Expired			Y(7)	Y
Angelia Batie	Term Expired			N	Y
Alvin Dillard	Term Expired			N	N
Vacant	Resigned				
Eric McConaughy	Term Expired			N	No Response

Heritage Preservation Board (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Chian Chi	Term Expired		Member-at-Large	N	N
Michelle Lee	Term Expired			Y(8)	No Response

Killeen Housing Authority (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Erma Taylor	Term Expired		Resident Member	N	Y
Fredrick Bee	Term Expired			N	Y
VACANT (G. Johnson)	Term Expired				
Minerva Trujillo	Term Expired			Y(6)	Y

Killeen Sister Cities (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
VACANT		TBA by San Juan Comm	San Juan Committee Rep		

Killeen Volunteers, Inc. (Sub-Comm: J. Kilpatrick)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Elizabeth McDaniel	Term Expired		Citizen Rep	N	Y
AnaLuisa Carrillo-Tapia	Term Expired		Citizen Rep	N	Y
Debbie Nash-King	Term Expired		Citizen Rep	N	Y

Raquel Watkins	Term Expired		Citizen Rep	N	Y
Brian Sunshine	Term Expired	TBA by CTC	CTC Rep	N	Y

Planning & Zoning Commission (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Ramon Alvarez	Term Expired			N	Y
Anthony Cooper	Term Expired			N	Y
Alvin Dillard	Term Expired			N	N
VACANT (G. Johnson)	Unexpired Term (2017)				

Senior Citizen Advisory Board (Sub-Comm: E. Blackstone, J. Okray)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Pat Adam	Resigned				
Marjorie Banta	Term Expired			N	Y
Sean Payton	Term Expired			N	Y
Klaus Adam	Term Expired			Y(6)	Y
Larry Egly	Term Expired			N	Y

Tax Increment Reinvestment Zone #2 (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Patton Kaufman	Term Expired		City Rep	Y(8)	Y
John Fisher	Term Expired	TBA by Bell County	Bell County Rep	Y(8)	Y
Rex Weaver	Term Expired	TBA by CTC	CTC Rep	Y(6)	Y

RECOMMENDATION

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



City of Killeen

Legislation Details

File #: RS-16-102 **Version:** 1 **Name:** Subway Termination Agreement
Type: Resolution **Status:** Resolutions
File created: 8/11/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider a memorandum/resolution approving a termination agreement with Subway Real Estate, LLC for leased premises at Killeen-Fort Hood Regional Airport.
Sponsors: Aviation Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Subway Termination Agreement](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Termination of Lease Agreement with Subway Real Estate, LLC at Killeen-Fort Hood Regional Airport

ORIGINATING DEPARTMENT

Aviation

BACKGROUND INFORMATION

On March 1, 2004, Subway Real Estate Corp. was selected as a result of RFP 04-06 to operate a food service business at Killeen-Fort Hood Regional Airport. A lease agreement with Subway Real Estate Corp. was negotiated and was approved by Council on April 27, 2004. The lease had an initial term of three years and two months and included several extension options. Lease extensions were approved by Council on August 30, 2007, and September 17, 2010. Subway Real Estate Corp. assigned the lease to Subway Real Estate, LLC effective September 12, 2011. On July 14, 2015, Council approved the most recent extension with a term that expires on September 30, 2020.

DISCUSSION/CONCLUSION

On June 2, 2016, Subway Real Estate, LLC, formally notified the City of its intent to cease operation or about June 30, 2016, and requested formal termination of the lease agreement. The reason for the request and subsequent cessation of operations was due to underperformance of the operations. This Subway location was not meeting minimum performance standards and was losing money on its operation, a trend that had been occurring for the past seven months.

Staff has negotiated an Agreement of Termination and Mutual Release of Lease with Subway Real Estate, LLC. A rider to the original lease agreement states that the Tenant's liability upon default shall not exceed \$15,000.00. Pursuant to this clause, the Agreement of Termination provides for a one-time payment of \$15,000.00 to the City in exchange for a release of all obligations from the lease agreement. Subway has removed all of its company-owned property and surrendered the premises to the airport in satisfactory condition.

FISCAL IMPACT

This lease agreement had provided annual revenues of approximately \$14,500 into the Airport Enterprise fund. The termination agreement provides a one-time payment of \$15,000 that will be deposited into account number 525-0000-324.05-00 AIRPORT RENT & CONCESSION.

RECOMMENDATION

City Council approve the attached Agreement of Termination and Mutual Release of Lease with Subway Estate, LLC and authorize the City Manager to execute same.

AGREEMENT OF TERMINATION AND MUTUAL RELEASE OF LEASE

City of Killeen (the "Landlord") and Subway Real Estate, LLC, successor-in-interest to Subway Real Estate Corp. (the "Tenant") having its offices at 325 Sub Way, Milford, Connecticut enter this Agreement this _____ day of _____, 2016. The parties mutually agree as follows:

1. Introduction

a) Pursuant to a lease dated **June 11, 2004** (the "Lease") and subsequent Addendum Nos. 1, 2, and 3, Landlord leased to Tenant certain premises described as **Killeen Fort Hood Airport, 8101 South Clear Creek Road, Killeen, TX, Room B207** (the "Premises").

b) Landlord and Tenant desire to terminate the Lease and enter into an Agreement evidencing the termination and releasing each other from all liability arising out of the leasehold.

2. Termination

The Lease between Landlord and Tenant covering the Premises, including any and all of Tenant's right, interest and estate in the premises shall terminate effective as of the last date of execution of this Agreement. Tenant, for itself and its respective successors, assigns and sublessees shall not have or exercise any rights in the premises upon the effective date of this Agreement. Notwithstanding anything to the contrary, Tenant shall retain all records associated with transactions at the Killeen-Fort Hood Regional Airport within the Leased Premises for two (2) years after the Lease is terminated.

3. Release

FOR VALUABLE CONSIDERATION, including the payment of **Fifteen Thousand Dollars and 00/100 Cents (\$15,000.00)** by Tenant to Landlord, receipt of which is hereby acknowledged, Landlord and Tenant, each for themselves and their respective successors and assigns, do hereby release and forever discharge the other from any and all debts, claims, obligations, liabilities, demands, damages, actions, causes of action, and penalties of every kind and description whatsoever from the beginning of the world to the date of this Agreement (the "Claims"). This Release shall include but shall not be limited to those Claims as have arisen or may hereafter arise, whether now known or disclosed or hereafter discovered and disclosed, out of the execution and delivery of the Lease between Landlord and Tenant, and any and all instruments and documents by whomever executed and delivered in connection with the Lease, and the termination and cancellation by Tenant. Landlord and Tenant understand and acknowledge that Tenant shall not be liable for any rents, costs, expenses, or charges of any kind, or required to do or perform any acts of any kind in connection with said termination and cancellation. Landlord acknowledges that any Guarantees relating to the above-referenced Lease are terminated as of the execution of this Agreement.

4. Surrender of Premises

Landlord acknowledges that the Premises have been surrendered by Tenant and Landlord has accepted the Premises in "as is" condition.

5. Successors and Assigns

This Agreement shall be binding upon and inure to the benefit of Landlord and Tenant and their respective successors and assigns.

6. Counterparts and Electronic Signatures

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Agreement. The counterparts of this Agreement may be executed and delivered by facsimile or other electronic signature by any of the parties to any other party and the receiving party may rely on the receipt of such document so executed and delivered by facsimile or other electronic means as if the original had been received.

7. Merger

Except as specifically set forth herein, this Agreement constitutes the entire Agreement between the parties. If any provision herein is deemed invalid under any applicable law, such provision shall be deemed omitted but the remaining provisions herein shall be applicable.

8. Texas Law

This Agreement shall be subject to and governed by the laws of the State of Texas. The Parties agree that for venue purposes, any and all lawsuits, disputes, or causes of action shall be in Bell County, Texas.

IN WITNESS WHEREOF, the parties have accepted this Agreement of Termination and Release of Lease as of the date first above written.

TENANT: **Subway Real Estate, LLC, successor-in-interest to Subway Real Estate Corp.**

BY: _____
Duly Authorized

Duly sworn by me on this 21st day of July, 2016

Christopher E. Ball
Christopher E. Ball, Esq.
Commissioner of the Superior Court
CT Juris #427856

CHRISTOPHER E. BALL, ESQ.
COMM. OF THE SUPERIOR COURT
MY COMMISSION IS PERMANENT

LANDLORD: **City of Killeen**

BY: _____

Interim City Manager Lillian Ann Farris

Attested on this _____ day of _____, 2016

City Secretary Dianna Barker



City of Killeen

Legislation Details

File #: RS-16-103 **Version:** 1 **Name:** US 190-FM 2410-ROSEWOOD DR CO#61
Type: Resolution **Status:** Resolutions
File created: 8/1/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider a memorandum/resolution authorizing Change Order No. 61 with James Construction Group, LLC to the US 190/FM 2410/Rosewood Drive project.
Sponsors: Public Works Department, Transportation Division
Indexes: US190-Rosewood-FM2410
Code sections:
Attachments: [Council Memorandum](#)
[Change Order](#)
[Change Order Worksheet](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

AUTHORIZE CHANGE ORDER NO. 61 TO THE US 190/FM 2410/ROSEWOOD DRIVE PASS-THROUGH FINANCING CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC.

ORIGINATING DEPARTMENT

PUBLIC WORKS - TRANSPORTATION DIVISION

BACKGROUND INFORMATION

On January 8, 2013 (CCM/R 13-001R), the City Council awarded a construction contract to James Construction Group, LLC for the Pass Through Financing (PTF) Project, US 190/FM 2410/Rosewood Drive. This project included the construction of an overpass at the intersection of US 190 and Rosewood Drive, the widening of FM 2410, and the construction of Rosewood Drive from US 190 to Fawn Drive.

DISCUSSION/CONCLUSION

Change Order No. 61 is necessary to reconcile or balance line item quantities, overruns and underruns. These are items that are typically paid as measured in place. The item amount listed in the plan set is an estimated quantity. Final payment is based upon the field measured quantity for any particular line item. Items that measure greater than the estimated plan quantity are referred to as overruns, and items that measure less than the estimated plan quantity are referred to as underruns. This will reconcile the majority of the items on this project, except for those still under negotiation with the contractor and TxDOT. Approval of this action is necessary as one of the remaining requirements to close out the project and comply with the terms of the associated contract. Approval of this action reconciles actual quantities utilized in the construction of the project throughout the course of its more than three-year construction time period. Failure to approve this action will most likely lead to contractual claims under the terms of the associated contract between the City and James Construction.

Following approval of this action, City staff contemplates one final change order being presented to City Council before final close out can be achieved. The scope of this change order is currently being negotiated with TxDOT and should be determined in the near future.

FISCAL IMPACT

Change Order No. 61 will increase the expenditure for the Project in the Pass-Thru Finance US 190/FM 2410/Rosewood Drive, General Obligation Bonds, US 190/FM 2410/Rosewood Drive Account #341-3490-800.58-23.

The total cost of the project before this change order request was \$22,682,512.76. The cost of this change is a net increase of \$260,109.67 for an updated total contract price of \$22,942,622.43, or a cumulative 4.51% increase to the contract.

The remaining balance in the Rosewood PTF Account for FY16 is \$243,409.55 after the deduction of this Change Order #61. FY17 has allocated \$239,557 for the closeout of this project, which includes necessary improvements to Skylark Field as previously discussed, and totals the remaining amount available for the Rosewood PTF project.

RECOMMENDATION

City staff recommends that the City Council authorize Change Order No. 61 with James Construction Group, LLC, increasing the cost of the contract by \$260,109.67 and request that the Interim City Manager be expressly authorized to execute the same.

CHANGE ORDER

No. 61

DATE OF ISSUANCE 08/22/2016

EFFECTIVE DATE _____

OWNER: City Of Killeen
 CONTRACTOR: James Construction Group, LLC.
 Contract: Bid No. 13-06
 TxDOT Project: PTF 1102 (054) ~ US 190 @ Rosewood Drive
 TxDOT Control No.: 0231-03-129
 ENGINEER's Contract No. _____
 ENGINEER: _____

You are directed to make the following changes in the Contract Documents:

Description: Reconcile overruns and underruns

Reason for Change Order: The change order is necessary to balance line items.

Attachments: Change Order Worksheet.

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>21,952,775.21</u>
Net Increase (Decrease) from previous Change Orders No. <u>1</u> to <u>60</u> : \$ <u>729,737.55</u>
Contract Price prior to this Change Order: \$ <u>22,682,512.76</u>
Net increase (decrease) of this Change Order: \$ <u>260,109.67</u>
Contract Price with all approved Change Orders: \$ <u>22,942,622.43</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: _____ Ready for final payment: _____ (days or dates)
Net change from previous Change Orders No. ___ to No. ___: Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Times prior to this Change Order: Substantial Completion: _____ Ready for final payment: _____ (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for final payment: _____ (days or dates)

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____
ENGINEER (Authorized Signature)

By: _____
OWNER (Authorized Signature)

By: _____
CONTRACTOR (Authorized Signature)

Date: _____

Date: _____

Date: _____

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute



City of Killeen

Legislation Details

File #: RS-16-104 **Version:** 1 **Name:** Agreement with Killeen Economic Development Corporation
Type: Resolution **Status:** Resolutions
File created: 8/26/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider a memorandum/resolution approving an agreement with the Killeen Economic Development Corporation to provide economic development services.
Sponsors: City Council, City Manager Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[KEDC Agreement](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

**Agreement with Killeen Economic
Development Corporation**

ORIGINATING DEPARTMENT

City Manager

BACKGROUND INFORMATION

On November 30, 1990, the City of Killeen entered into an agreement with the Killeen Economic Development Corporation (KEDC) providing for economic development services. Since 1990, the City of Killeen has continued this collaboration which includes an annual appropriation to the KEDC.

DISCUSSION/CONCLUSION

The City Council has authorized an allocation in the past of no less than the equivalent to two cents (2¢) of the net ad valorem tax collections each fiscal year.

Funding for this agreement has been included in the proposed budget in an amount up to \$772,708. The City will determine each year's allocation in consultation with the KEDC. The attached agreement describes the responsibilities of the City and the KEDC and includes provisions for the use of funds and financial reporting requirements.

RECOMMENDATION

That the City Council authorize the Interim City Manager to execute the attached agreement on behalf of the City.

THE STATE OF TEXAS §
§
COUNTY OF BELL §

AGREEMENT

This Agreement is between the City of Killeen, Texas, a municipal corporation (City), acting herein by and through its duly authorized Interim City Manager, Lillian A. Farris, and the Killeen Economic Development Corporation (KEDC), a non-profit corporation, acting herein by and through its duly authorized President of the Board of Directors, Elizabeth Blackstone.

WHEREAS, the City of Killeen wishes to promote the economic development of the City of Killeen by attracting new businesses and expanding existing businesses within the City; and

WHEREAS, by Ordinance No. 90-65, passed and approved on August 14, 1990, the City Council authorized and approved the creation of KEDC; and

WHEREAS, on October 9, 1990, the KEDC Bylaws were given final approval by the City Council and are hereby incorporated by reference as if fully stated herein; and

WHEREAS, the City of Killeen levies ad valorem taxes upon property within the City as authorized by law and the City dedicated a specific amount for the purpose of economic development of the City; and

WHEREAS, KEDC has expressed its specific intent to use all funds which come into its control to promote and encourage the economic development of the City;

NOW THEREFORE, in consideration of the promises and covenants herein contained, the City and KEDC agree as follows:

1. Formation. City does hereby employ, engage, and hire KEDC to promote the economic development of the City and to render the services herein contained, and KEDC does hereby agree to accept such hiring, engagement, and employment and to discharge such duties in accordance with the terms and conditions herein set forth.

2. Independent Contractor. KEDC is hired and engaged as an independent contractor and is not an officer, agent or employee of the City in regard to the operations and actions of the KEDC. The KEDC shall select and employ such persons as it may deem necessary to fulfill its obligations and responsibilities under this agreement.

3. Indemnification. KEDC agrees to indemnify, save harmless and defend the City of Killeen from any and all claims, causes of action and damages of every kind arising from the operations of KEDC, its officers, agents and employees, carried out in furtherance of this agreement. KEDC shall carry or cause to be carried public liability, bodily injury insurance on all automobiles used in the operations embraced by this agreement in the amount of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for each person and Five Hundred Thousand and No/100 Dollars (\$500,000) for each occurrence, and property damage liability insurance in the amount of One Hundred Thousand and No/100 Dollars (\$100,000) for each occurrence, or a combined single limit of Six Hundred Thousand and No/100 Dollars (\$600,000), the cost of said insurance policies to be an expense of KEDC for which funding shall be provided by the City pursuant to paragraph 6 below. Said policies of insurance must be approved by the City and must be written by companies acceptable to the City. Said insurance policies shall name the City of Killeen as an additional insured. Said policies, or duplicate originals thereof, must be filed with the City Secretary or her designated representative, before any operations contemplated by this agreement are begun.

4. Operation. KEDC shall encourage and further the economic development of the City of Killeen. KEDC shall perform, among others, the following functions:

- a. Encourage and promote the economic development of the City of Killeen;
- b. Recommend to the City projects and programs to encourage and further the economic development of the City of Killeen; and
- c. Appoint annually a Board of Directors whose members and composition shall be determined by KEDC.

5. Revenue. City agrees to pay to KEDC the estimated revenue determined by the City each year in consultation with KEDC for operation of KEDC to manage or supervise programs and activities funded in accordance with the terms of this agreement. Payments to KEDC shall be made quarterly.

6. Permitted Use of Funds. It is expressly understood and agreed by the City and KEDC that all funds received from the City that are paid to KEDC shall be used solely for the purposes of encouraging and promoting the economic development of the City of Killeen, by way of performing those acts and conducting those activities authorized by Chapter 501 of the Texas Local Government Code as that statute provides at the time of execution of this agreement and as said statute or any amendment or successor statute thereto shall hereafter provide.

Notwithstanding the provision above, it is specifically understood between the parties hereto that KEDC shall have authority to commit and spend funds received from the City for the following types of projects, without the necessity of securing the prior approval of the City Council, providing that expenditures contribute directly to the creation of new jobs or retention of existing jobs in the City of Killeen:

- a. Improvement of infrastructure, such as streets, roads, drainage structures, utility and sewer lines and connections, bridges, and other construction projects.
- b. Extensions of existing roads.
- c. Water and sewer treatment and improvement projects.
- d. Business, industrial or commercial expansion grants.
- e. Any amounts of money required to be committed for securing State or Federal matching grant funds for economic development.
- f. Construction of buildings and structures to attract business, commerce and industry.
- g. Purchase or acquisition of other interests in land for present or future business, commercial or industrial expansion.
- h. Professional services, such as architectural, engineering, economic or other studies, whether contracted for by KEDC itself or on behalf of businesses or industries which are potential employers in the City of Killeen, and legal services necessitated by any of the items or activities listed in this Paragraph 6.
- i. Professional services and/or expenses associated with the creation and/or retention of military and/or civilian jobs.

j. Insurance to secure KEDC's interest in any such projects, as well as liability insurance for the officers, directors, and executive director of KEDC against claims of damage based on the actions of said persons in furtherance of their positions and duties regarding KEDC as authorized under Section 8.01(K) of the KEDC Bylaws.

k. Any and all requirements, whether by law or contract, for the posting of any bond.

7. Prohibited Use of Funds. It is further understood that no funds transferred by the City to KEDC shall be used by KEDC to pay or supplement the salary or compensation of any person, nor shall any of said funds be used to pay or reimburse any expense incurred by any officer, director, executive director, employee or independent contractor of KEDC for any travel, meals, or entertainment of any person or organization; except such funds may be used to pay expenses lawfully incurred by persons, associations or corporations with whom KEDC may contract to provide goods or services as authorized in Paragraph 6 above or Paragraph 8 below. In accordance with state law, no funds received from the City of Killeen may be used for any political activity or political advertising, including, but not limited to any activity or advertising to further the election or defeat of any candidate for public office or any activity undertaken to advocate passage or defeat of a measure.

8. City Council Approval Required. As to acts or activities not specifically listed in Paragraph 6 above, any such acts or activities that KEDC may undertake that are consistent with its Articles of Incorporation, Bylaws and applicable statutes that call or require the expenditure or commitment of funds transferred by the City to KEDC must be approved by the City Council prior to any such expenditure or commitment.

9. Financial Records. KEDC shall maintain complete and accurate financial records of each expenditure made by KEDC and on request of the City Council, the City Manager, or other person, shall make the records available for inspection and review to the City Council or other person. The City Council may, upon reasonable notice, audit all books and records of KEDC pertaining to the funding.

10. Reporting. KEDC shall report quarterly to the City Council on the amount and nature of expenditures or commitments made of funds received from the City and KEDC's progress and plans in promoting the economic development of the City of Killeen.

11. Confidentiality. It is specifically agreed and understood between the parties that in KEDC's negotiations and discussions with potential employers in the City of Killeen that require confidentiality in the identity of the potential employer and the nature of the matters under negotiation. It is agreed and understood between the parties that, to the extent consistent with the Texas Open Meetings Act and the Texas Open Records Act (V.T.C.A., Government Code, Chapters 551 and 552, respectively), and any other applicable statute or regulation, KEDC may freely conduct such confidential discussions or negotiations without prior or subsequent notice to the City Council, unless and until some public action by KEDC or the City is required, or unless and until the release of such information to the City Council is approved by the potential employer.

12. Term. The term of this contract shall be for two (2) years from October 1, 2016 to September 30, 2018 unless sooner terminated or extended in writing by City on an annual basis during City's budget process.

13. Funding. It is expressly understood between the parties that the City Council has committed itself to funding the activities of KEDC from City of Killeen tax revenues for the fiscal year 2016/2017 only. The determination of whether to continue City funding beyond that time will depend directly on the effectiveness of KEDC's management of City-transferred funds during fiscal year 2016/2017, within the guidelines expressed in this agreement.

14. Termination. It is understood and agreed that either party may terminate this Contract by giving to the other party notice in writing at least thirty (30) days in advance of the first day of a calendar quarterly period, and such termination shall become effective at the end of the calendar quarterly period following such notice.

Upon termination of this agreement, the KEDC shall deliver to the City any and all remaining City funds appropriated for the KEDC that it may have and all removable property that may have been purchased with said funds.

DATED this ____ day of _____, 2016.

CITY OF KILLEEN

Lillian A. Farris, INTERIM CITY
MANAGER

ATTEST:

Dianna Barker, CITY SECRETARY

KILLEEN ECONOMIC DEVELOPMENT
CORPORATION

Elizabeth Blackstone, PRESIDENT

ATTEST:

John Crutchfield III, SECRETARY



City of Killeen

Legislation Details

File #: RS-16-105 **Version:** 1 **Name:** Agreement with Greater Killeen Chamber of Commerce

Type: Resolution **Status:** Resolutions

File created: 8/26/2016 **In control:** City Council Workshop

On agenda: 9/6/2016 **Final action:**

Title: Consider a memorandum/resolution approving an agreement with the Greater Killeen Chamber of Commerce to provide economic development services.

Sponsors: City Council, City Manager Department

Indexes:

Code sections:

Attachments: [Council Memorandum](#)
[GKCC Agreement](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Agreement with Greater Killeen Chamber of Commerce

ORIGINATING DEPARTMENT

City Manager

BACKGROUND INFORMATION

On September 29, 1987, the City of Killeen entered into an agreement with the Greater Killeen Chamber of Commerce (GKCC) providing for economic development services and appropriating funds accordingly; the agreement has continued to be in place since that time. The agreement sets forth the means by which funds will be paid and the projects for which the City's funds may be spent.

DISCUSSION/CONCLUSION

For many years the City Council has identified economic development as one of the highest priorities for the City. The agreements with the GKCC and the Killeen Economic Development Corporation have demonstrated the City's continuing commitment to economic development. The proposed agreement is for a two-year term, and funding in an amount up to \$677,400 is included in the proposed budget. The amount of funding in the budget is equal to last year's allocation. The City determines each year's allocation in consultation with the Chamber and sets out the responsibilities of the City and the GKCC, including provisions for the use of funds and financial reporting requirements.

RECOMMENDATION

That the City Council authorize the Interim City Manager to execute the attached agreement on behalf of the City.

THE STATE OF TEXAS §
§ AGREEMENT
COUNTY OF BELL §

This Agreement is between the City of Killeen, Texas, a municipal corporation (City), acting herein by and through its duly authorized Interim City Manager, Lillian A. Farris, and the Greater Killeen Chamber of Commerce (Chamber), a non-profit corporation, acting herein by and through its duly authorized President, John Crutchfield.

WHEREAS, economic development in the City of Killeen is a high priority objective; and

WHEREAS, the present and prospective right to gainful employment and general welfare of the people of the City of Killeen require as a public purpose the promotion and development of new and expanded business enterprises; and

WHEREAS, the existence, development, and expansion of business, commerce, and industry are essential to the economic growth of the City and to the full employment, welfare, and prosperity of its citizens; and

WHEREAS, the actions authorized in this agreement will further that objective and ensure aggressive and positive economic development activity in the City; and

NOW THEREFORE, in consideration of the premises and covenants herein contained, the City and the Chamber agree as follows:

1. Formation. City does hereby employ, engage, and hire Chamber to provide programs and services for the economic, commercial, and industrial development herein contained, and the Chamber does hereby agree to accept such hiring, engagement, and employment and to discharge such duties in accordance with the terms and conditions herein set forth.

2. Independent Contractor. The Chamber is hired and engaged as an independent contractor and is not an officer, agent or employee of the City in regard to the operations and actions of the Chamber. The Chamber shall select and employ such persons as it may deem necessary to fulfill its obligations and responsibilities under this agreement. Said persons shall be at all times employees of the Chamber and shall not be officers, agents or employees of the City. The power to hire, manage, supervise, direct and discharge such employees shall be vested solely and exclusively with the Chamber. The City shall not manage, direct, supervise or discharge said persons or direct them in the performance of their duties for the Chamber under this agreement.

3. Indemnification. The Chamber agrees to indemnify, save harmless and defend the City of Killeen from any and all claims, causes of action and damages of every kind arising from the operations of the Chamber, its officers, agents and employees, carried out in furtherance of this agreement. The Chamber shall carry or cause to be carried public liability, bodily injury insurance on all automobiles used in the operations embraced by this agreement in the amount of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for each person and Five Hundred Thousand and No/100 Dollars (\$500,000) for each occurrence, and property damage liability insurance in the amount of One Hundred Thousand and No/100 Dollars (\$100,000) for each occurrence, or a combined single limit of Six Hundred Thousand and No/100 Dollars (\$600,000) the cost of said insurance policies to be an expense of the Chamber for which funding shall be provided by the City pursuant to paragraph 7 below. Said policies of insurance must be approved by the City and must be written by companies acceptable to the City. Said insurance policies shall name the City of Killeen as an additional insured. Said policies, or duplicate originals thereof, must be filed with the City Secretary or her designated representative, before any operations contemplated by this agreement are begun.

4. Operation. The Chamber shall encourage and promote the development of new and expanded business enterprises in the Killeen and shall solicit the location of business, commerce and industry in the City. The Chamber shall perform, among others, the following functions:

- a. Plan, organize and direct the economic development program;
- b. Coordinate the activities of various groups involved in economic development, including the City of Killeen, Greater Killeen Chamber of Commerce, Killeen Industrial Foundation, and the Killeen Economic Development Corporation;
- c. Maintain liaison with the Governor's Office of Economic Development and other allies;
- d. Prepare and administer a budget and work program for economic development;
- e. Maintain an economic development website and update as necessary;
- f. Initiate and maintain contact with business, commercial and industrial prospects to promote their location in Killeen;

- g. Develop and present programs to business, commercial, and industrial prospects regarding opportunities in Killeen, including travel as necessary;
- h. Conduct public information program about business, commercial, and industrial development activities to the extent deemed necessary; and
- i. Obtain insurance to secure the Chamber's interest in any such projects, as well as liability insurance for the officers and directors of the Chamber against claims of damage based on the actions of said persons in furtherance of their positions and duties in promoting economic development for the City.
- j. Such additional activities as may be necessary and proper to the performance of the above duties and responsibilities.

5. Budget. The Chamber shall submit to the City Manager an annual operating budget for the Economic Development Program for the next city fiscal year based upon the estimated revenue to be paid the Chamber by City as determined by the City each year in consultation with the Chamber. Said budget shall reflect the proposed expenditures based upon estimated revenue, to be made by the Chamber during said fiscal year and the purposes for which said expenditures are to be made. Expenditures shall be made only in accordance with the approved City Council budget. Budgets shall be prepared by the Chamber, approved by the Chamber Board, and submitted to the City Manager for submission to the City Council. The budget is hereby incorporated by reference as if fully stated herein and shall be made an attachment of the agreement.

6. Revenue. City agrees to pay to the Chamber the estimated revenue determined by the City each year in consultation with the Chamber annually for Economic Development to be performed by the Chamber in accordance with the terms of this agreement. The City will advance to the Chamber an amount equal to one-fourth (1/4) of the approved City appropriation at the beginning of each quarter.

The Chamber shall maintain a separate accounting for all revenue provided by City under the terms of this contract for the purpose of fulfilling this contract. The Chamber may include the revenue provided by the City in a pooled account of the Chamber as long as the other funds of the pooled account always have a positive balance such that the revenue from the City included in the pooled account does not offset a negative balance of all other funds.

7. Use of Funds. It is expressly understood and agreed by the City and the Chamber that all funds received from the City that are paid to the Chamber shall be used solely for the purposes of encouraging and promoting economic development of the City of Killeen. The funds may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses and other administrative costs only if said administrative costs are incurred directly in the promotion of economic development for the City. However, funds may not be spent for travel for a person to attend an event

or conduct an activity the primary purpose of which is not directly related to the promotion of economic development or to the performance of the person's job in an efficient and professional manner. In accordance with state law, no funds received from the City of Killeen may be used for any political activity or political advertising, including, but not limited to any activity to further the election or defeat of any candidate for public office or any activity undertaken to advocate passage or defeat of a measure.

No expenditure may be made for economic development under the terms of this agreement unless such expenditure is first approved by the President of the Chamber or his designee.

8. Financial Records. The Chamber shall maintain complete and accurate financial records of each expenditure of the funds made by Chamber and on request of the City Council, the City Manager, or other person, shall make the records available for inspection and review to the City Council or other person. The City Council may, upon reasonable notice, audit all books and records of the Chamber pertaining to the funds. All expenditures shall be made in accordance with the annual budget adopted by the City Council and any amendments thereto.

9. Reporting. The Chamber shall report monthly to the City Council on the Chamber's activities and expenditures and the general progress of the Chamber in promoting economic development for the City of Killeen. The monthly reports shall consist of: (1) a monthly Chamber Board Report and (2) a monthly consolidated economic development report. In addition, a report shall be in a format that tracks the performance measures, financial accounting responsibilities, and action plan set forth under this agreement. The report shall be provided in written format and deliverable at Council workshops.

10. Standards of Performance. The standards for measuring the Chamber's fulfillment of its obligations and responsibilities under this agreement shall be as follows:

- a. Location of new business enterprises, commerce, and industries in Killeen;
- b. Accurate and timely flow of information to the City Council;
- c. Operating the economic, business, commercial and industrial development function within the scope of the budget, work program and standards of performance;
- d. Coordination of various community groups involved with economic, business, commercial and industrial development effort;
- e. Citizen satisfaction with the economic, business, commercial and industrial development effort;
- f. Stable relations with the City Council, citizen groups, economic development allies and business, commercial and industrial prospects;
- g. Development of economic development goals, objectives, and an action plan as

adopted at the annual economic development planning retreat.

- h. Such other standards as may from time to time be established by mutual agreement of the parties to this agreement.

11. Term. The term of this contract shall be for two (2) years from October 1, 2016, to September 30, 2018 unless sooner terminated or extended in writing by City on an annual basis during City's budget process.

12. Termination. It is understood and agreed that either party may terminate this Contract by giving to the other party notice in writing at least thirty (30) days in advance of the first day of a calendar quarterly period, and such termination shall become effective at the end of the calendar quarterly period following such notice.

Upon termination of this agreement, the Chamber shall deliver to the City any and all remaining City funds appropriated that it may have and all removable property that may have been purchased with said funds.

DATED this _____ day of _____, 2016.

CITY OF KILLEEN

Lillian A. Farris, INTERIM CITY
MANAGER

ATTEST:

Dianna Barker, CITY SECRETARY

GREATER KILLEEN CHAMBER OF
COMMERCE

John Crutchfield III, PRESIDENT

ATTEST:

Sonja Havens, CHAIRMAN



City of Killeen

Legislation Details

File #: RS-16-106 **Version:** 1 **Name:** Rates and Fees for Civic & Conference Center Complex
Type: Resolution **Status:** Resolutions
File created: 8/31/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider a memorandum/resolution amending rates and fees for the Killeen Civic and Conference Center complex.
Sponsors: Community Development, Killeen Civic and Conference Center
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Rental Rates - Proposed](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Authorize amending the fees and rates for the Killeen Civic and Conference Center Complex

ORIGINATING DEPARTMENT

COMMUNITY DEVELOPMENT/KILLEEN CIVIC & CONFERENCE CENTER

BACKGROUND INFORMATION

On September 10, 2013, the City Council adopted various rates for the Killeen Civic and Conference Center. These rates were developed after conducting a market study of similar facilities in the surrounding area. The proposed rates reflect a new rate for a ½ day rental for the board room and meeting rooms, a reduced fee for military functions, and the listing of the fees for the special event center parking lot and the rodeo arena and its grounds.

DISCUSSION/CONCLUSION

The amendment provides for an effective date of October 1, 2016, to coincide with the new fiscal year. In addition, the following language is being added for consideration: "Council grants the city manager the authority to temporarily change rates from time to time for promotional purposes."

FISCAL IMPACT

The increases in rates and fees should generate approximately \$4,000 in additional revenue in account 214-0000-363.99-10 per year. Rooms and events are often booked a year in advance; increases will apply to new bookings in fiscal year FY 16-17.

RECOMMENDATION

Staff recommends the City Council approve the increase in rates and fees at the Killeen Civic and Conference Center Complex and the city manager or designee be authorized to temporarily change rates for promotional purposes.

Killeen Civic & Conference Center Complex

Rental Rates

The following Room Rental Rates is a guideline for the Director to use in determining event rates. The Director may include, but is not limited to, considering the following factors to determine whether discounts may be given for the room rates: the event's overall economic impact on the community, the hotel/motel room usage, and the availability of the room. Room rental rates include tables, chairs, room, set up and take down of furniture. Additional fees assessed include but are not limited to audio visual, stages, dance floors and labor.

Building Area:	63,000 square feet Standard rate: \$3,960.00 / \$1,980.00 deposit Non-profit & military rate : \$3,560.00 / \$1,780.00 deposit
Ballroom A, B, C:	23,400 square feet - 1,000 banquet style; 2,000 theater style Standard rate: \$1,850.00 day / \$925.00 deposit Non-profit & military rate : \$1,650.00 day / \$825.00 deposit
Ballroom A & B:	7,800 square feet - 200 banquet style; 400 theater style Standard rate: \$725.00 day / \$362.50 deposit Non-profit & military rate : \$650.00 day / \$325.00 deposit
Ballroom A:	3,900 square feet - 100 banquet style; 200 theater style Standard rate: \$400.00 day / \$200.00 deposit Non-profit & military rate : \$350.00 day / \$175.00 deposit
Ballroom B	3,900 square feet - 100 banquet style; 200 theater style Standard rate: \$400.00 day / \$200.00 deposit Non-profit & military rate : \$350.00 day / \$175.00 deposit
Ballroom C	15,600 square feet - 750 banquet style; 1,400 theater style Standard rate: \$1,120.00 day / \$560.00 deposit Non-profit & military rate : \$1,000.00 day / \$500.00 deposit
Special Events Room:	3,500 square feet - 125 banquet style; 250 theater style Standard rate: \$600.00 day / \$300.00 deposit Non-profit & military rate : \$540.00 day / \$270.00 deposit
Board Room:	650 square feet - 20 Executive Style Standard Rate: \$100.00 day / \$50.00 deposit ½ day rate \$ 55.00 Mon-Thur 8am-12noon or 12noon – 4pm
Meeting Room 1,2,3,4,5,6: Separate Rooms	720 square feet - 40 banquet style; 40 theater style Standard rate: \$120.00 day / \$60.00 deposit ½ day rate \$65.00 Mon-Thur 8am-12noon or 12noon – 4pm
Meeting Rooms 1&2, 3&4, 5&6: Combined Rooms	1,440 square feet - 75 banquet style; 75 theater style Standard rate: \$210.00 day / \$105.00 deposit ½ day rate \$115.00 Mon-Thur 8am-12noon or 12 noon-4pm
Special Events Center:	53,000 square feet Standard rate: \$1,050.00 day / \$525.00 deposit Non-profit & military rate : \$950.00 day / \$475.00 deposit
Parking lot at SEC	\$250.00

Rodeo Arena & Grounds

8,000 square feet - 7000 bleacher style seating
Standard Rate: \$500.00 day/\$250.00 deposit

* An additional fee of \$75 per ½ hour shall be charged for the rental of the facility between the hours of midnight and 7:00 a.m. In addition, room rentals are for a 12-hour period.

Non-profit rates receive a 10% discount and applies to events ~~Sunday~~ **Monday – Thursday only.



City of Killeen

Legislation Details

File #: PH-16-032 **Version:** 1 **Name:** Zoning 16-15
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 8/15/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by Kay Hedden (Case #Z16-15) to rezone 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from "R-1" (Single-Family Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District). The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Attachment to CCMO](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location map](#)
[Buffer map](#)
[Considerations](#)
[Opposition](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z16-15 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "B-3" (LOCAL BUSINESS DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

This request is submitted by Kay Hedden to rezone approximately 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from "R-1" (Single-Family Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District). The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas. If approved, it will enlarge the "B-3" zoning of this property by .279 acre.

District Descriptions:

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 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. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window
- (18) Tennis or swim club
- (19) Small animal clinic or pet grooming shop
- (20) Hotel or motel

- (21) Job printing. Not more than seventeen (17) inches by twenty-five (25) inches page size.
- (22) Gasoline service station, auto laundry or car wash
- (23) Auto parts sales, new, at retail
- (24) 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
- (25) Theaters of general release
- (26) 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

Property Specifics

Applicant/Property Owner: Kay Hedden

Property Location: The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas.

Legal Description: Lot 2, Block 1, Kay H. Addition

Zoning/ Plat Case History:

- 1.412 acres of this property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on January 14, 2014, per Ordinance no. 14-003.
- Kay H. Addition was recorded in Volume 9758, Page 752, Bell County Plat Records.

Character of the Area

Existing Land Use(s) on the Property: The property is currently undeveloped. It is a level site with little tree cover. The subject property is located between the Q Cleaners and Shoe repair business and a Family Dollar store. This portion of the corridor is predominantly commercial uses with observed single family residential dwellings to the north and south.

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

Water, sanitary sewer, and drainage utility services are located within the City of Killeen municipal utility service area and readily accessible to the subject property. However, in accordance with the City of Killeen Code of Ordinances, the developer is required to extend public utilities to the property in accordance with the plan of service validated the Kay H. Addition plat. 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 the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: Ingress/egress to the property would be limited to the single point of existing ingress/egress to W. Stan Schlueter Loop (FM 3470), which is classified as a 110' principal arterial road on the City's approved Thoroughfare Plan. No proposed right-of-way taking affects the property.

Proposed improvements: The developer shall construct an access point that will be shared through an existing passage easement with the Family Dollar store.

Projected traffic generation: undetermined

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). However, there is a current Creek Buffer Zone on the headwaters of Old Florence Ditch immediately adjacent to the area in this zoning case. Currently sheet flow runoff exits the property and flows north for approximately 130 feet into a tributary of Old Florence Ditch. The distance from this site and the confluence with Little Nolan Creek is approximately 1.8 miles. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 2014 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

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

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

Consistency: This request is consistent with the Comprehensive Plan.

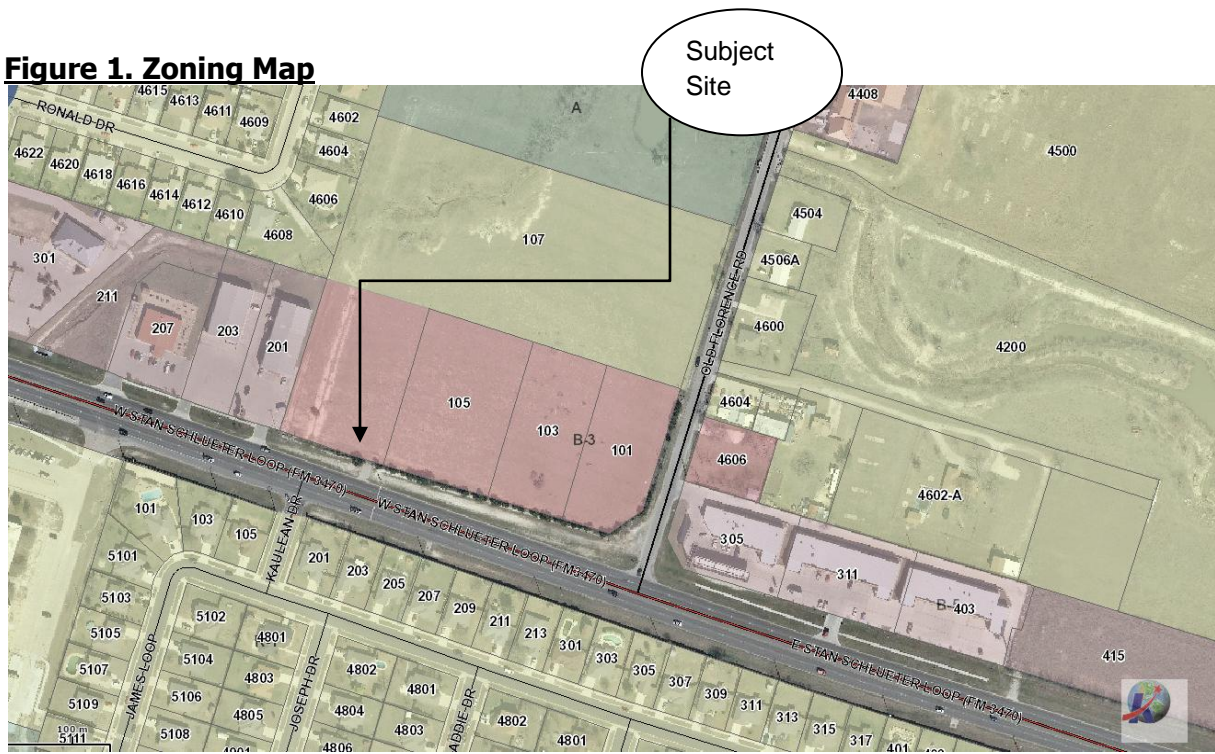
Public Notification

The staff notified seventeen (17) surrounding property owners regarding this request. Staff received one opposition from Elisa Mojica, the owner of 201 James Loop on Tuesday, August 16th; this has been included for the Council's consideration.

Recommendation

The Planning & Zoning Commission recommended approval of the applicant's request for "B-3" zoning by a vote of 7 to 0. As written earlier in this report, the additional area of new "B-3" zoning would amount to approximately .279 acre.

Figure 1. Zoning Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
AUGUST 15, 2016**

**CASE #Z16-15
R-1 and B-3 to B-3**

HOLD a public hearing and consider a request submitted by Kay Hedden to rezone approximately 1.691 acres, being part of Lot 1, Block 1, Sandefur Addition, from R-1 (Single-Family Residential District) and B-3 (Local Business District) to B-3 (Local Business District). The property is located along the north right-of-way of W. Stan Schlueter Loop (FM 3470), west of Old Florence Road, Killeen, Texas. The property is locally known as 107 W. Stan Schlueter Loop, Killeen, Texas.

Chairman Frederick asked for staff comments

City Planner Tony McIlwain stated that this is the zoning component of the Kay H. Addition plat that was approved. The request is to rezone approximately 1.691 acres, being part of Lot 1, Block 1, Sandefur Addition, from “R-1” (Single-Family Residential District) and “B-3” (Local Business District) to “B-3” (Local Business District). If approved, it will enlarge the “B-3” zoning of this property by .279 acre. 1.412 acres of this property was rezoned from “R-1” (Single-Family Residential District) to “B-3” (Local Business District) on January 14, 2014 per Ordinance no. 14-003.

The staff notified seventeen (17) surrounding property owners regarding this request. Staff has received no responses.

Staff recommends approval of “B-3” (Local Business District) zoning for the site.

Mr. Bob Mitchell, Mitchell & Associates, 102 N. College was present to represent this request.

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 request. Commissioner Beronio seconded the motion. The motion passed 7-0.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND “B-3” (LOCAL BUSINESS DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kay Hedden 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 approximately 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from “R-1” (Single-Family Residential District) and “B-3” (Local Business District) to “B-3” (Local Business District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 15th day of August 2016, 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 13th day of September 2016, 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 that the request should be approved;

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

Section I. That the zoning classification of the following described tract be changed from “R-1” (Single-Family Residential District) and “B-3” (Local Business District) to “B-3” (Local Business District) for approximately 1.691 acres, being Lot 2, Block 1, Kay H. Addition, Killeen,

Texas.

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 13th day of September 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED:

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #16-15

Ord. #



Date Paid:	<u>7/15/16</u>
Amount Paid:	<u>\$ 200.00</u>
Cash/MO #/Check #:	<u># 3115</u>
Receipt #:	<u>426</u>

CASE #: 216-15

City of Killeen Zoning Change Application

General Zoning Change Conditional Use Permit

Name(s) of Property Owner: Kay Hedden

Current Address: 4304 Wade Dr.

City: Killeen State: TX Zip: 76549

Home Phone: () _____ Business Phone: () _____ Cell Phone: () _____

Email: _____

Name of Applicant: N/A
(If different than Property Owner)

Address: N/A

City: N/A State: N/A Zip: N/A

Home Phone: () N/A Business Phone: () N/A Cell Phone () _____

Email: N/A

Address/Location of property to be rezoned: 107 W. Stan Schlueter Lp.

Legal Description: 6.488 Acres, Part of the G. W. Farris Survey, Abst. No. 306

Metes & Bounds or Lot(s) Block Subdivision

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

Type of Ownership: X Sole Ownership Partnership Corporation Other

Present Zoning: R-1, B-3 Present Use: Undeveloped

Proposed Zoning: B-3 Proposed Use: Commercial

Conditional Use Permit for: _____

This property was conveyed to owner by deed dated May 3, 2016 and recorded in Volume _____, Page _____, Instrument Number 2016-17711 of the Bell County Deed Records. (Attached)

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

APPOINTMENT OF AGENT

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

Name of Agent: Mitchell & Associates, Inc.

Mailing Address: P.O. Box 1088

City: Killeen State: X Zip: 76540 - _____

Home Phone: (____) _____ Business Phone: (254) 634-5541 Email: bmitchell@mitchellinc.net

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

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

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

Signature of Agent  Title _____

Printed/Typed Name of Agent Mitchell & Associates, Inc. Date _____

Signature of Applicant  Title _____

Printed/Typed Name of Applicant Kay Hedden 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 _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-15

ZONING FROM:

R-1 and B-3 To B-3

APPLICANT:

KAY HEDDEN




PROPERTY OWNER:

KAY HEDDEN

LEGAL DESCRIPTION:

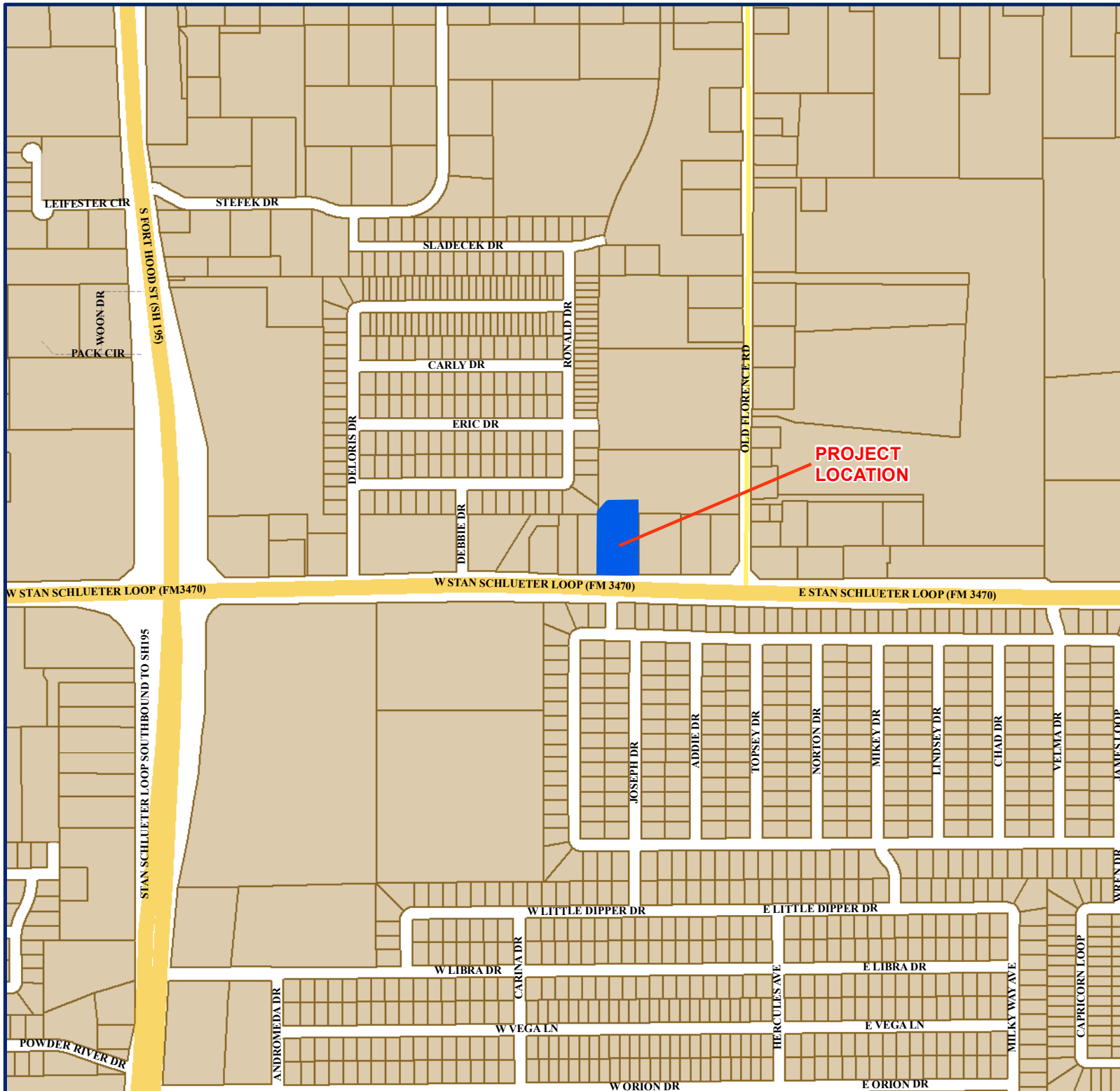
KAY H. ADDITION,
BLOCK 1, LOT 2,
1.691AC

Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 8/18/2016





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-15

ZONING FROM:

R-1 and B-3 To B-3

APPLICANT:

KAY HEDDEN







PROPERTY OWNER:

KAY HEDDEN

LEGAL DESCRIPTION:

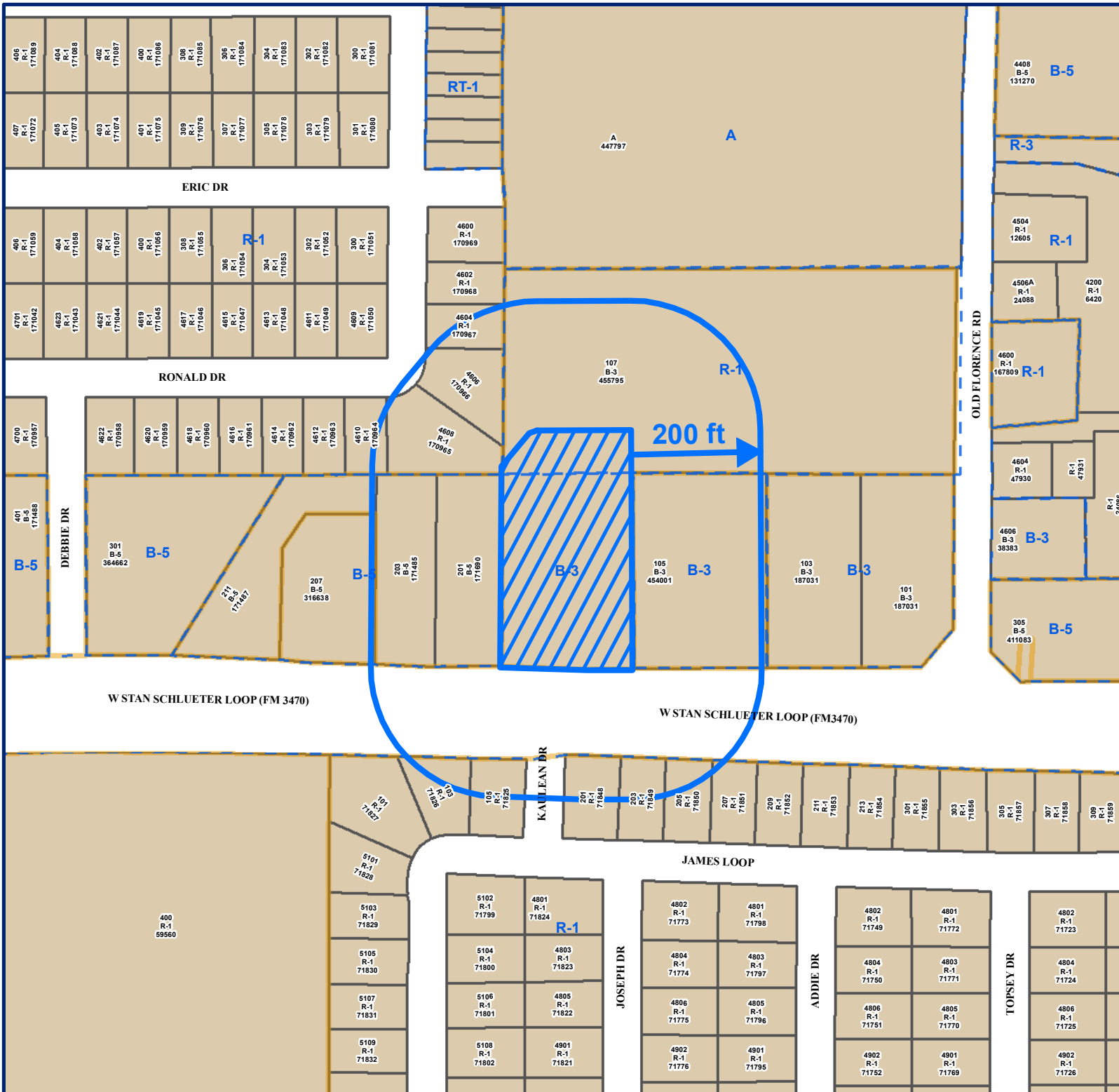
**KAY H. ADDITION,
BLOCK 1, LOT 2,
1.691AC**

LEGEND

-  200' Buffer
-  Zoning Case
-  Current Zoning
-  Subdivision
-  Parcel
-  City Limits



Date: 8/18/2016



CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 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.

-----CUT HERE-----

YOUR NAME: Elioa Mojica PHONE NUMBER: (281) 458-

CURRENT ADDRESS: 201 James Loop, Killeen, TX 76917

ADDRESS OF PROPERTY OWNED: 201 James Loop, Killeen, TX

COMMENTS: R-1 and B-3 to B-3

I object rezoning of this property because that will be a big / damaged in my ~~property~~ ^{good / best} ~~property~~. This rezoning is only for ~~his~~ ^{his} ~~order~~ ^{order} ~~debts~~ ^{debts} but not ~~me~~ ^{businesses} ~~around~~ ^{around} the area, they keep ~~their~~ ^{their} own land. Why bother me?

SIGNATURE: *Elioa*

SPO #Z16-15/

RECEIVED
AUG 16 2016
PLANNING



City of Killeen

Legislation Details

File #: PH-16-033 **Version:** 1 **Name:** Hold a Public Hearing for Proposed Budget Changes

Type: Public Hearing **Status:** Public Hearings

File created: 9/1/2016 **In control:** City Council Workshop

On agenda: 9/6/2016 **Final action:**

Title: HOLD a public hearing on the FY 2017 Proposed Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017, and proposed changes to such budget. (2nd of 2 Public Hearings)

Sponsors:

Indexes:

Code sections:

Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Public Hearing on Budget Changes

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

The City of Killeen holds several public hearings throughout the budget process. The public is encouraged to be present and participate in the public hearings. Local Government Code requires one public hearing be held prior to the adoption of the final budget. The first public hearing on the budget was held on September 6, 2016, and the second of two public hearings will be on September 13, 2016.

DISCUSSION/CONCLUSION

Council has been considering changes to the FY 17 Proposed Annual Budget and Plan of Municipal Services over the last several weeks. A public hearing is being held to discuss these changes. The public will be notified of the changes made to the proposed budget.



City of Killeen

Legislation Details

File #: OR-16-012 **Version:** 1 **Name:** Killeen Arts Commission grant allocations of FY17 Hotel Occupancy Tax Funds

Type: Ordinance **Status:** Ordinances

File created: 7/7/2016 **In control:** City Council Workshop

On agenda: 9/6/2016 **Final action:**

Title: Consider an ordinance approving Killeen Arts Commission recommendations for grant allocations of FY17 Hotel Occupancy Tax funds.

Sponsors: Finance Department

Indexes:

Code sections:

Attachments: [Council Memorandum](#)
[FY 17 Arts Commission Grant Recommendations](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Killeen Arts Commission recommendations for grant allocations of FY17 Hotel Occupancy Tax funds

ORIGINATING DEPARTMENT

Finance

BACKGROUND INFORMATION

The City Council may allocate up to one-seventh of the Hotel Occupancy Tax collections for grants to the arts under section 351.101 of the Texas Tax Code for Municipal Hotel Occupancy Tax. The primary responsibility of the Arts Commission is to make recommendations to the City Council regarding the allocation of Hotel Occupancy Tax funds that are designated for grants to the arts. The FY17 proposed maximum funding for the arts is \$187,167.

DISCUSSION/CONCLUSION

The Killeen Arts Commission held a meeting on May 20, 2016. During this meeting, ten (10) applicants presented their grant applications to the Arts Commission regarding funding requests. At the June 10, 2016, meeting of the Arts Commission, the Commission recommended allocation of funding for all ten (10) applicants and administrative costs for the Commission as described in the attached worksheet, totaling \$187,167.

Upon the City Council's approval of the recommended grant allocations, contracts will be prepared by the Finance Department and reviewed by the City Attorney's Office for the City Manager's signature to be effective October 1, 2016.

FISCAL IMPACT

Adequate funding is available for FY17 and will be budgeted as follows: \$185,167 in account 214-2010-415.55-43 for grants to the arts, and \$2,000 in account 214-2010-415.55-99 for the Arts Commission's administrative expenses.

RECOMMENDATION

City Staff recommends that City Council review, discuss, and approve the Killeen Arts Commission's proposed recommendations.



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
Armed Forces Natural Hair and Health	<u>Event:</u> Natural Hair and Health Expo <u>Date:</u> October 1, 2016 <u>Description:</u> This event consists of 12-15 workshops on natural hair, healthy eating, fitness and self help. There is entertainment throughout the day and guest speakers on the main stage. There will also be vendors on site selling there goods.			10,000	3,000
	<u>Event:</u> Natural Hair Day <u>Date:</u> Monthly Event from Nov. 2016 - Sep. 2017 <u>Description:</u> This event is a monthly gathering to discuss natural hair and healthy eating. It is catered and participants are taught how to make a natural product.			3,000	1,000
Artesania y Cultura Hispana	<u>Event:</u> Fiesta of Art & Culture <u>Date:</u> September 24, 2017 <u>Description:</u> This event will include musicians and dancers from Latin America living in Texas. It will begin with a parade of flags from countries where we have members, and members will wear traditional attire from their respective countries. There will be live, traditional music from Puerto Rico, a performance by the Puerto Rican Kids, and a choreographed performance combining traditional and modern dances illustrating the history of the Puerto Rican Culture.	5,000	5,000	5,000	5,000
Central Texas College Foundation	<u>Event:</u> CTC Geekfest <u>Date:</u> August 11-13, 2017 <u>Description:</u> This event is a fundraising event for student scholarships modeled after the hugely successful "comic con" concept. This event will feature activities targeting adults and youth interested in science fiction, fantasy, super heroes, video games, and technology-related fields. Pop art elements will included anime, graphic novels, literature (including book to film adaptations), makeup artistry, films, costume design, and costume theater.	3,000	3,000	5,000	5,000



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
Cultura Filipiniana Arts Inc.	<u>Event:</u> 14th Annual Barrio Fiesta in Killeen "Parol Festival" Giving Light to the Future <u>Date:</u> February 25, 2017 <u>Description:</u> This event is a lavish preparation of music, songs, dances, foods, and parades. The Cultura Filipiniana Dance Troupe will feature Philippines with its diversified ethnic groups.	8,000	8,000	8,000	8,000
Killeen Sister Cities, Osan Korea	<u>Event:</u> International Festival <u>Date:</u> October 1, 2016 <u>Description:</u> This event will recognize and showcase diverse cultural groups, emphasize song, dance, and food from various ethnic groups, and provide vendors the opportunity to offer food and merchandise that represents their cultures.	30,000	30,000	7,500	7,500
Killeen Volunteers, Inc. (Celebrate Killeen Committee)	<u>Event:</u> Holiday Under the Stars <u>Date:</u> December 2-3, 2016 <u>Description:</u> This is an annual event that features outdoor lighting displays, musicians, soloists, dancers and holiday arts and crafts.	15,000	15,000	15,000	15,000
	<u>Event:</u> Celebrate Killeen Festival <u>Date:</u> April 27-29, 2017 <u>Description:</u> This is an annual event that features cultural entrainment and arts and crafts for children, youth, and adults. this event will feature a performing artist, a variety of multicultural performances, children's arts and crafts, a STEP performance, and a movie in the park.			15,000	15,000



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
IMPAC Outreach	<u>Event:</u> Black Cultural History and Film Festival <u>Date:</u> February 25-26, 2017 <u>Description:</u> This event will increase awareness and interest in the little known events and historic facts which helped to shape our great city. The event will include: historic memorabilia, artifacts, and film. The festival will include a celebration of local filmmakers to include their works, as a Black History Knowledge Bowl, and engage youth in a formal debate. There will be two days of cultural displays, exhibitions, workshops and a host of presentations.			12,000	12,000
Songhai Bamboo Roots Cultural Assoc.	<u>Event:</u> 8th Annual Caribbean Afr'am Festival <u>Date:</u> August 4-5, 2017 <u>Description:</u> This event will showcase different aspects of the African Caribbean, Central American African, Afro Americans and Africans as a whole. The festival will feature a live concert, including local and international artists, as well as activities such as dance, music, drumming, arts and crafts, and a marketplace.	15,000	15,000	15,000	15,000
Vive Les Arts Children's Theatre	<u>Event:</u> <i>Peter Pan</i> <u>Date:</u> October 7-9, 2016 & October 14-16, 2016 <u>Event:</u> <i>Cyrano de Burger Shack</i> <u>Date:</u> May 5-6, 2017 & May 12-14, 2017 <u>Event:</u> Hayley's Workshop <u>Date:</u> June 5-17, 2017 <u>Event:</u> <i>Missoula Children's Theatre</i> <u>Date:</u> August 7-12, 2017	30,000	30,000	38,000	33,667



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
Vive Les Arts Societe	<u>Event:</u> <i>25th Annual Putnam County Spelling Bee</i> <u>Date:</u> November 18-19, 2016 & December 2-4, 2016				
	<u>Event:</u> <i>Aida</i> <u>Date:</u> February 10-11, 2017 & February 17-19, 2017				
	<u>Event:</u> <i>Oscar and Felix (The Odd Couple)</i> <u>Date:</u> March 31 - April 1, 2017 & April 7-9, 2017				
	<u>Event:</u> <i>Little Mermaid</i> <u>Date:</u> July 21-23, 2017 & July 28-30, 2017	60,000	60,000	78,000	65,000
Arts Commission Administrative Costs				2,000	2,000
Total Grant Recommendations					187,167
Unallocated Funding					-
Total Funding Designated for the Arts					\$ 187,167

ORDINANCE _____

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

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

SECTION I. That the following sum be disbursed in support of arts activities in the City of Killeen during Fiscal Year 2017:

The sum of \$187,167 being part of the proceeds of the Municipal Hotel Occupancy Tax revenues collected by the City of Killeen and allocated for the following purpose:

In accordance with Section 351.101 (a)(4), Tax Code, to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution and exhibitions of these major arts forms, a sum in the amount of One Hundred Eighty-Seven Thousand One Hundred Sixty-Seven Dollars (\$187,167), which amount is not greater than 1/7 of the total hotel occupancy tax revenues collected, as required by law. In addition, grants awarded will reflect the diverse multi-cultural community of Killeen.

SECTION II. That said sums, totaling \$187,167, be specifically disbursed in the following manner:

Armed Forces Natural Hair and Health	\$4,000.00
• <i>Armed Forces Natural Hair and Health Expo (\$3,000)</i>	
• <i>Natural Hair Day (\$1,000)</i>	
Artesania y Cultura Hispana	\$5,000.00
Central Texas College Foundation	\$5,000.00
Cultura Filipiniana Arts, Inc.	\$8,000.00
IMPAC Outreach	\$12,000.00
Killeen Sister Cities, Osan, Korea	\$7,500.00
Killeen Volunteer, Inc. – Celebrate Killeen Committee	\$30,000.00
• <i>Holiday Under the Stars (\$15,000)</i>	
• <i>Celebrate Killeen Festival (\$15,000)</i>	
Songhai Bamboo Roots Cultural Association	\$15,000.00
Vive Les Arts Children’s Theatre	\$33,667.00
Vive Les Arts Societe	\$65,000.00
Commission Administrative Expenses	\$2,000.00

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

SECTION IV. That such disbursements authorized under Section II shall lapse at the end of the fiscal year (September 30, 2017) to the extent that they shall not have been expended or lawfully encumbered. Any organization that shall receive funds provided for herein shall from time to time, as requested by the City Council of the City of Killeen, report on its activities and the use of the funds herein designated, reporting as specifically stated in the individual contracts executed by each recipient.

SECTION V. That if any Section or part of any Section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other Section or Sections or part of a Section or paragraph of this ordinance.

SECTION VI. That this ordinance shall be effective immediately upon its passage according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 9th day of August, 2016, at which meeting a quorum was present, held in accordance with provisions of V.T.C.A., Government Code, § 551.001 *et. seq.*

APPROVED:

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker
CITY SECRETARY

APPROVED AS TO FORM:

Kathryn H. Davis
CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-16-013 **Version:** 1 **Name:** FY2017 Proposed Rates and Fees Amendment
Type: Ordinance **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider an ordinance amending Chapter 2 (Fees) and Chapter 30 (Water, Sewers and Sewage Disposal) of the City of Killeen Code of Ordinances by adjusting Community Service Fees and implementing a Water Rate Design Change.
Sponsors: Finance Department, Public Works Department, Water & Sewer, Community Services Department, Cemetery, Golf Course
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

ORDINANCE AMENDING CHAPTERS 2 AND 30 ADJUSTING COMMUNITY SERVICE FEES AND IMPLEMENTING A WATER RATE DESIGN CHANGE

ORIGINATING DEPARTMENTS

COMMUNITY SERVICES/PUBLIC WORKS

BACKGROUND INFORMATION

Community Services staff briefed City Council regarding additional revenue opportunities available via fee increases in the areas of the cemetery, golf course, aquatic center and parks. At the August 23, 2016 City Council Workshop, Community Services staff received a consensus from City Council to draft an ordinance amending fees specifically related to the following:

- Adult cemetery plot fees;
- Golf course fees related to carts, trail fees, range balls, green fees, annual passes and user fees;
- Family Aquatic Center private reservation fees; and
- Parks and Recreation fees related to swim lessons.

In relation to the proposed changes to Chapter 30 of the Code of Ordinance, during the 2013-2015 time periods, City Council directed City Management to enter into professional services agreements with professional consultants to develop rate models for the Solid Waste, Water and Sewer and Drainage Utility Funds. A rate study is conducted by combining a comprehensive review of operational expenditures with additional economic assumptions to include, without limitation, a CPI (Consumer Price Index) inflation factor and population growth rates. The rate study analysis culminates into the development of a rate model. The rate models are used to identify rate recommendations necessary to support the Public Works enterprise funds as necessary to plan for future growth, capital outlay, personnel projections, and the best possible service to the citizens of Killeen, as well as to ensure the fiscal soundness of the utilities by adjusting rate structures/designs or fees as necessary for the utilities to remain solvent. A thorough analysis and annual reevaluation of a City's rate models is imperative to determine future courses of action and their effects on the health of the respective enterprise funds.

DISCUSSION/CONCLUSION

The proposed amendments to Chapter 2 of the City's Code of ordinances that establish, among others, Community Services fees that are outlined above and reflected on the attached ordinance represent an opportunity for increasing revenue as necessary to support the provision of services currently provided. The proposal also positions these particular service areas to be at or near the forefront of the surrounding markets that provide similar services.

Similarly, in relation to the proposed changes to Chapter 30, contemporaneously with the development of the FY17 budget, Public Works assisted by the Finance Department, revisited

the rate models utilizing the model development expert consultants, NewGen Strategies and Solutions (NewGen) and SCS Engineers, in order to determine the financial sustainability of the Solid Waste, Water & Sewer, and Drainage funds and to make projections and recommend rate adjustments to ensure the continuous financial soundness of these funds. The results of the modeling efforts were presented to City Council on July 25, 2016, in a Special City Council Workshop meeting.

At that meeting, the findings presented to City Council included projections and recommendations for the next three fiscal years based on the best available data as provided by City staff. In essence, the recommendations for Fiscal Year (FY) 17 were that no adjustments were needed for Solid Waste and Drainage; however, NewGen did recommend the implementation of a residential water rate design change to add an additional tier to the residential water rate design for the purpose of encouraging conservation of this most precious resource. This recommendation was based on a previous study completed by the City in 2013 and is further based on industry best practices. Implementing the recommendation requires an ordinance revision that adds another tier (10,000 - 25,000 gallons) to the current volumetric charge increments and establish costs associated with the new tier and the final tier (25,000 +). The attached ordinance effectuates this change.

FISCAL IMPACT

The fiscal impacts associated with this action are twofold: 1) based on FY16 year-to-date figures, an estimated additional \$189,000 in General Fund revenue for FY17; and 2) an estimated increase of approximately \$548,205 in Water and Sewer Fund revenue that will be reflected in the Water & Sewer Fund sale of water revenue account: 550-0000-322.05-00 for FY17.

RECOMMENDATION

City staff recommends that City Council adopt the attached ordinance amending Community Services Fees and implementing the residential water rate design change.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY AMENDING SECTION 2-150 (c) CEMETERY, (g) GOLF COURSE, (j) PARKS AND (o) SWIMMING POOLS AND CHAPTER 30, ARTICLE IV, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY AMENDING DIVISION 2, SUBDIVISION B, WATER RATES, SECTION 30-136 (a); PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council for the City of Killeen finds it necessary and warranted from time to time to adjust certain service-based fees and rate design structures to address changing circumstances and current needs; and,

WHEREAS, the City Council has also determine that it is necessary to adjust service-based fees collected by the City's Community Services Department for services provided and rendered to the Citizens of Killeen,

WHEREAS, the City Council has determined that it is in the best interest of the City of Killeen to adjust the water rate design structure to encourage conservation of this most precious resource; and,

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

SECTION I. That Chapter 2, Article VI, Section 2-150 (c), (g), (j) and (o) of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

CHAPTER 2 ADMINISTRATION

ARTICLE VI. FEES

* * *

Sec. 2-150. Fees.

The following fees are hereby established for the departments listed:

* * *

(c) Cemetery

(1) Burial spaces - resident

- a. Adult - ~~\$700.00~~ \$1,000.00 per space
- b. Infant - \$120.00 per space

- (2) Burial spaces - nonresident
 - a. Adult - ~~\$1,335.00~~ \$1,635.00 per space
 - b. Infant - \$240.00 per space
- (3) Cremation
 - a. Opening/closing (no setup) - \$75.00
 - b. Opening/closing with a chair/carpet setup under pavilion or at gravesite - \$100.00
- (4) Infant opening/closing
 - a. No setup - \$75.00
 - b. Opening/closing with a chair/carpet setup under pavilion or at gravesite - \$100.00
- (5) VA marker installations
 - a. Bronze VA marker installation (with cemetery concrete base) - \$75.00
 - b. Bronze VA marker installation (with supplied granite base) - \$50.00
 - c. Flat VA marker installation - \$50.00
 - d. Upright VA marker installation - \$100.00
- (6) Other fees
 - a. Pavilion or gravesite chair/carpet setup for memorial services - \$25.00
 - b. Infant disinterment - \$75.00

* * *

(g) Golf Course

- (1) Green fees - ~~daily~~/weekday
 - a. Regular - ~~\$20.00~~ \$22.00 - \$3.00 of these fees will be used for capital improvements
 - b. Senior - ~~\$14.00~~ \$16.00 (60+) - \$2.00 of these fees will be used for capital improvements
 - c. Junior - ~~\$11.00~~ \$14.00 (high school student or younger) - \$2.00 of these fees will be used for capital improvements
 - d. Twilight - ~~\$11.00~~ \$14.00 - \$2.00 of these fees will be used for capital improvements
- (2) Green fees - ~~daily~~ weekend and holidays
 - a. Regular and seniors - \$27.00 - \$3.00 of these fees will be used for capital improvements
 - b. Junior - \$15.00; after 2:00 p.m. \$8.00 - \$2.00 of these fees will be used for capital improvements
 - c. Twilight - \$16.00 - \$2.00 of these fees will be used for capital improvements
- (3) Handicap fee - ~~\$20.00~~ \$25.00/year

- (4) Cart shed rental (per year including trail fees) - \$900.00
- (5) Annual discount pass (quarterly payment plan is no longer offered)
- a. Individual twelve (12) month - ~~\$900.00~~ \$800.00 (Killeen resident), \$900.00 (non-resident). \$3.00 user fee assessed per round played Monday-Friday. \$7.00 user fee assessed per round played Saturday-Sunday and all holidays. (~~Killeen residents receive a \$100.00 discount~~) and Individual six (6) month — ~~\$600.00~~ (Killeen residents receive a ~~\$100.00~~ discount)
 - b. ~~First~~ Each additional family member - ~~\$250.00~~ \$350.00
 - e. ~~Extra additional family members~~ — ~~\$150.00~~
 - d.c. Senior rate twelve (12) month - ~~\$625.00~~ \$600.00 (Killeen residents), \$625.00 (non-resident). \$3.00 user fee assessed per round played Monday-Friday. \$7.00 user fee assessed per round played Saturday-Sunday and all holidays.(~~Killeen residents receive a \$25.00 discount~~) and senior rate six (6) month — ~~\$350.00~~ (Killeen residents receive a ~~\$25.00~~ discount)
 - e. ~~Senior rate (week day only) twelve (12) month~~ — ~~\$525.00~~ (Killeen residents receive a ~~\$25.00~~ discount) and senior rate (week day only) six (6) month — ~~\$300.00~~ (Killeen residents receive a ~~\$25.00~~ discount)
 - f. ~~Second additional family member Senior rate (week day only)~~ — ~~\$200.00~~
 - gd.. Junior summer - \$130.00
 - he.. Junior annual (high school or younger) twelve (12) month \$400.00 and Junior annual (high school or younger) six (6) month - \$250.00
- (6) Corporate annual dues - no longer available)
- (7) ~~Power carts (two people)~~
- a. ~~18 holes~~ — ~~\$13.00 (includes tax) per person~~
 - b. ~~9 holes~~ — ~~\$9.25 (includes tax) per person~~
- (8) Power carts (one person)
- a. 18 holes - ~~\$15.00~~ \$16.00 (includes tax) per person
 - b. 9 holes - \$11.00 (includes tax) per person
- (9) Pull carts
- a. 18 holes - \$6.00 + tax
 - b. 9 holes - \$2.50 + tax
- (10) Club rental (18 holes)
- a. Regular - no longer available
 - b. Premium - \$15.00 + tax
- (11) Driving range
- a. Discounted driving range pass - \$350.00

b. Bucket of 35 balls - ~~\$4.00~~; 70 balls - ~~\$7.00~~ \$5.00

(~~12~~11) Trail fees

a. Daily - \$15.00 + tax

b. Annual - ~~\$475.00~~ \$425.00 (Killeen resident), \$500.00 (non-resident)~~(Killeen residents receive a \$75.00 discount)~~

* * *

(j) Parks

* * *

(14) Lions Club Park Family Aquatic Center miscellaneous fees ~~—additional family member fee—\$20.00 (charged for each family member in excess of the number allotted as part of the family season pass)~~

a. Additional family member fee - \$20.00 (charged for each family member in excess of the number allotted as part of the family season pass).

b. After hours reservation - \$625.00

* * *

(o) Swimming Pools

(1) Pool reservations - \$100.00/day

(2) Lifeguard (minimum of two) - \$20.00/hour

(3) Pool admittance

a. Adult - \$3.00

b. Youth (12 and under) and senior - \$2.00

(4) Swimming lessons - ~~\$40.00~~\$45.00/two-week session

(5) Pool passes

a. Youth or senior citizen - \$35.00

b. Adult - \$60.00

c. Family (up to six members) - \$120.00

d. Additional family member - \$10.00

* * *

SECTION II. That Chapter 30, Article IV, Division 2, Subdivision B, Section 30-136 (a)

of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

CHAPTER 30

WATER, SEWERS AND SEWAGE DISPOSAL*

ARTICLE IV. RATES AND CHARGES

* * *

DIVISION 2. RATES

* * *

Subdivision B. Water Rates

Sec. 30-136. Assessed.

- (a) The following water charges shall apply to all residential users for the consumption of water inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"\$12.70

1"\$14.06

1-1/2"\$17.47

2"\$21.55

3"\$31.09

4"\$44.74

6"\$79.83

8"\$119.68

10"\$167.40

Applicable to all meter sizes:

2,001 to ~~25,000~~10,000 gallons, per 1,000 gallons\$3.17

10,001 to 25,000 gallons, per 1,000 gallons\$3.96

Over 25,000 gallons, per 1,000 gallons~~\$3.78~~\$4.95

* * *

(c) The following water charges shall apply to all apartment, small apartment, and mobile home park users for the consumption of water inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"\$12.70

1"\$14.06

1-1/2"\$17.47

2"\$21.55

3"\$31.09

4"\$44.74

6"\$79.83

8"\$119.68

10"\$167.40

Applicable to all meter sizes:

~~All over 2,000~~1 to 10,000 gallons, per 1,000 gallons\$3.17

10,001 to 25,000 gallons, per 1,000 gallons\$3.96

Over 25,000 gallons, per 1,000 gallons\$4.95

(d) The water rates for all residential users outside the city limits shall be double the water rates for residential users inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"\$25.40

1"\$28.12

1-1/2"\$34.94

2"\$43.10

3"\$62.18

4"\$89.48

6"\$159.66

8"\$239.36

10"\$334.80

Applicable to all meter sizes:

~~2,001 to 25,000~~ 10,000 gallons, per 1,000 gallons\$6.34

10,001 to 25,000 gallons, per 1,000 gallons\$7.92

Over 25,000 gallons, per 1,000 gallons~~\$7.56~~ \$9.90

* * *

- (f) The water rates for all apartment, small apartment, and mobile home park users outside the city limits shall be double the water rates for apartment, small apartment and mobile home park users inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"

1"

1-1/2"

2"

3"

4"

6"

8"

10"

Applicable to all meter sizes:

~~All over 2,000 gallons, per 1,000 gallons~~\$6.34

2,001 to 10,000 gallons, per 1,000 gallons\$6.34

10,001 to 25,000 gallons, per 1,000 gallons\$7.92

Over 25,000 gallons, per 1,000 gallons\$9.90

* * *

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

SECTION IV. That should any section or part of any section or paragraph of this

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

SECTION V. That 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 upon publication.

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

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Dianna Barker, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-16-014 **Version:** 1 **Name:** Ordinance Repealing Ad Valorem Discount
Type: Ordinance **Status:** Ordinances
File created: 9/1/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider an ordinance repealing the discount for early payment of ad valorem taxes, installment payment plan and penalties for delinquent payment of ad valorem taxes.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

REPEAL ORDINANCE 56-O; AD VALOREM TAXES

ORIGINATING DEPARTMENT

FINANCE

BACKGROUND INFORMATION

In 1956, the City Council adopted Ordinance 56-O, which established a discount for early payment of ad valorem taxes, an installment payment plan option, and penalties for delinquent payment of ad valorem taxes. The discount has been given since that date. Installment payment plans are still offered and penalties for delinquent payments assessed, but the specifics of the two programs have been superseded by state law.

DISCUSSION/CONCLUSION

The City Council reached a consensus to discontinue the discount for early payment of ad valorem taxes. This ordinance repeals Ordinance 56-O, thereby discontinuing the early payment discount, as well as the installment payment plan and penalties for delinquent payments. Installment plans and delinquent penalty amounts are now determined by state law rather than by ordinance.

FINANCIAL IMPACT

Repeal of the early payment discount will result in the collection of approximately \$983,729 in additional ad valorem taxes for Fiscal Year 2017.

RECOMMENDATION

That Council adopt the attached resolution repealing Ordinance 56-O, discontinuing the discount for early payment of ad valorem taxes, as well as the installment plan option and penalties for delinquent payment of ad valorem taxes, which are now determined by state law.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, REPEALING ORDINANCE 56-O THAT PROVIDED FOR DISCOUNTS FOR EARLY PAYMENT OF CITY OF KILLEEN AD VALOREM TAXES, ESTABLISHED AN INSTALLMENT PAYMENT PLAN AND PENALTIES FOR DELINQUENT PAYMENT OF AD VALOREM TAXES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, on October 23, 1956, the Killeen City Council adopted Ordinance 56-O, which established a discount for early payment of ad valorem taxes, an installment payment plan option, and penalties for delinquent payment of ad valorem taxes;

WHEREAS, installment payment plan options and penalty amounts on delinquent payments are now determined by state law rather than city ordinance;

WHEREAS, the City Council reached a consensus to discontinue the discount for early payment of ad valorem taxes;

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

SECTION I. That Ordinance 56-O, which established a discount for early payment of ad valorem taxes, an installment payment plan, and penalties for delinquent payments, is hereby repealed in its entirety.

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

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

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

SECTION VII: That this ordinance shall be effective for the 2016 Tax Year, 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 13th day of September 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

Kathy H. Davis, CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-16-015 **Version:** 1 **Name:** Adopting the FY 17 Budget
Type: Ordinance **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider an ordinance adopting a budget for operating the municipal government of Killeen for the fiscal year October 1, 2016, through September 30, 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ordinance adopting budget for Fiscal Year 2017

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Article V, the Budget, of the Charter of the City of Killeen requires the City Manager to submit to the City Council a proposed budget which shall provide a complete financial plan for the upcoming fiscal year. The City Council calls a public hearing to elicit citizen comment on the proposed budget. After due deliberation, the Council may make such changes as deemed necessary. By majority vote, the Council shall adopt the budget on or before the 20th day of the last month of the fiscal year.

DISCUSSION/CONCLUSION

The City Manager has presented the FY 2017 Annual Budget and Plan of Municipal Services to the City Council. One Public Forum, several budget workshops, and multiple public hearings were held so that the City Council, citizens, and staff could discuss the proposed budget. A record vote is required for adoption of the FY 2017 budget.

RECOMMENDATION

It is recommended that the attached ordinance be approved and the budget for Fiscal Year 2017 be adopted.

ORDINANCE _____

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a budget for operating the municipal government of the City of Killeen for the fiscal year October 1st, 2016 to September 30th, 2017 has been prepared by Lillian A. Farris, City Manager, as Budget Officer for the City of Killeen, Texas; and

WHEREAS, said budget has been submitted to the City Council by the City Manager along with his budget message, in accordance with the City Charter; and

WHEREAS, public notice of a public hearing upon this budget has been duly and legally made as required by City Charter and law; and

WHEREAS, a separate record vote of the City Council is required to adopt a budget that will raise more revenue from property taxes than the previous year; and

WHEREAS, the public hearing has been had upon said budget and, after full and final consideration of proposed expenditures, revenues, financial condition, and comparative expenditures as presented, it is the consensus of opinion that the budget as considered and amended at said hearing should be approved and adopted;

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

SECTION I. That the City Council of the City of Killeen ratifies, approves and adopts the budget as finally considered for the fiscal year of October 1st, 2016 to September 30th, 2017, a copy of which shall be filed with the office of the City Secretary and with the Bell County Clerk and which is incorporated herein for all intents and purposes.

SECTION II. That the appropriations for 2017 fiscal year for the different administrative units and purposes of the City of Killeen, Texas, be fixed and determined for said fiscal year in accordance with the expenditures shown in said budget, and that the distribution and division of said appropriations be made in accordance with said budget including such amounts shown for providing for sinking funds for the payment of the principal and interest and the retirement of the bonded debt of the City of Killeen.

SECTION III. That pursuant to Section 76 of the City Charter, approval in this budget of items costing up to and including \$50,000 shall constitute the prior approval of said expenditures by City Council, and the City Manager or the Acting City Manager is authorized to advertise for bids for all contracts or purchases involving more than \$50,000 as provided by said Section without further authorization by the City Council.

SECTION IV. That should any part, portion, or section of this ordinance be declared invalid, inoperative, or void for any reason by a court of competent jurisdiction, such decision, opinion, or judgment shall in no way affect the remaining portions, parts, or sections or parts of a section of this ordinance, which provisions shall be, remain and continue to be in full force and effect.

SECTION V. That all ordinances and appropriations for which provision has heretofore been made are hereby expressly repealed if in conflict with the provisions of this ordinance.

SECTION VI. That this ordinance shall take effect and be in full force and effect from and after 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 13th day of September 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, §551.001 *et. seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

Kathy H. Davis, CITY ATTORNEY

CITY SECRETARY DISTRIBUTION:
Executive Director of Finance



City of Killeen

Legislation Details

File #: OR-16-016 **Version:** 1 **Name:** Ratifying the Tax Rate for FY 2017
Type: Resolution **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider a memorandum/resolution ratifying the property tax increase reflected in the Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ratifying the Property Tax Increase

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Local Government Code section 102.007(c) states that the adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget.

DISCUSSION/CONCLUSION

The FY 2017 budget will raise more revenues from property taxes than last year's budget by an amount of \$1,653,368, or 4.3%, and of that amount \$1,103,025 is tax revenue to be raised from new property added to the tax roll this year.

RECOMMENDATION

It is recommended that the property tax increase reflected within the budget for Fiscal Year 2017 be ratified.



City of Killeen

Legislation Details

File #: OR-16-017 **Version:** 1 **Name:** Set the Tax Rate for Fiscal Year 2017
Type: Ordinance **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council Workshop
On agenda: 9/6/2016 **Final action:**
Title: Consider an ordinance setting the Tax Rate for Fiscal Year 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum Ordinance](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ordinance Setting the Tax Rate for Fiscal Year 2017

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Chapter 26 of the Property Tax Code requires taxing units to comply with truth-in-taxation laws when adopting their tax rates. A taxing unit must calculate and publish its effective and rollback rates before adopting an actual tax rate. The Tax Appraisal District of Bell County published these rates in the Killeen Daily Herald on August 5, 2016. The City has complied with all provisions of the truth-in-taxation laws regarding adopting a tax rate.

DISCUSSION/CONCLUSION

On August 16, 2016, at a regular city council meeting, the Killeen City Council set the preliminary tax rate at the current rate of 74.98¢ per \$100 valuation. The rollback rate for the 2016 tax year is 84.25¢. The preliminary rate represents the maximum rate that can be adopted for the FY 2017 Budget. It is now necessary that the City Council adopt a final tax rate to support the Fiscal Year 2017 Annual Budget and Plan of Municipal Services.

FISCAL IMPACT

Adopting the current tax rate of 74.98¢ per \$100 valuation will generate ad valorem tax revenues in the amount of \$39,217,085, at the City's expected collection ratio of 98%. A total of \$15,853,159 of the ad valorem revenues collected will be allocated to the interest and sinking fund for the retirement of debt.

RECOMMENDATION

It is recommended that the attached ordinance be approved and that the tax rate for the City of Killeen for FY 2017 be set at 74.98¢ per \$100 of taxable valuation on non-exempt real and personal property.

ORDINANCE _____

AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY LIMITS OF THE CITY OF KILLEEN, TEXAS, FOR THE 2016 TAX YEAR AND FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Chief Appraiser of the Bell County Tax Appraisal District has prepared and certified the appraisal roll for the City of Killeen, Texas, said roll being that portion of the approved appraisal roll of the Bell County Tax Appraisal District which lists property taxable by the City of Killeen, Texas; and

WHEREAS, the Chief Appraiser of the Bell County Tax Appraisal District has performed the statutory calculations required by Section 26.04 of the Texas Property Tax Code, and has published the effective rate, the rollback tax rate, and an explanation of how they were calculated and has fulfilled all other requirements for publication as contained in Section 26.04(e) of the Texas Property Tax Code, in a manner designated to come to the attention of all residents of said City and has submitted rates to the City Council of said City prior to the City Council meeting of August 16, 2016; and,

WHEREAS, the City Council has complied with all applicable requirements of the Texas Property Tax Code prior to the setting of the tax rate for said City for 2016;

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

SECTION I. That the tax rate of the City of Killeen, Texas for the tax year 2016 be, and is hereby, set at 74.98 ¢ on each \$100 of the taxable value of real and personal property not exempt from taxation by the constitution and laws of this state within the corporate limits of said City.

SECTION II. That there is hereby levied for the tax year 2016 upon all real and personal property not exempt from taxation by the constitution and laws of this state situated within the corporate limits of said City, and there shall be collected for the use and support of the municipal government of the City of Killeen, Texas, to provide a sinking fund for the retirement of the bonded debt of said City and to provide for permanent improvements in said City, said tax; and said tax, so levied and collected, shall be apportioned to

the specific purposes hereinafter set forth; to wit:

- A. For the payment of current expenses and to be deposited in the general fund (for the purposes of maintenance and operations) 44.67¢ on each \$100 of the taxable value; and,
- B. To provide for sinking funds for the payment of the principal and interest and the retirement of bonded debt, 30.31¢ on each \$100 of the taxable value of such property.

SECTION III. That the Chief Appraiser is hereby authorized to assess and collect the taxes of said City employing the above tax rate.

SECTION IV. That the Director of Finance of said City shall keep accurate and complete records of all monies collected under this Ordinance and of the purposes for which same are expended.

SECTION V. That monies collected pursuant to this Ordinance shall be expended as set forth in the City of Killeen FY 2017 Annual Budget and Plan of Municipal Services.

SECTION VI. That all monies collected which are not specifically appropriated shall be deposited in the general fund.

SECTION VII. That this ordinance shall take effect and be in full force and effect from and after 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 13th day of September, 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Section 551.001 et. seq.

APPROVED

Jose L. Segarra
MAYOR

ATTEST:

Dianna Barker
CITY SECRETARY

APPROVED AS TO FORM:

Kathy H. Davis
CITY ATTORNEY