



City of Killeen

Agenda

City Council

Tuesday, June 13, 2017

5:00 PM

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

Call to Order and Roll Call

___ Jose Segarra, Mayor	___ Jim Kilpatrick
___ Shirley Fleming	___ Debbie Nash-King
___ Steve Harris	___ Jonathan Okray
___ Gregory Johnson	___ Juan Rivera

Invocation

Pledge of Allegiance

Approval of Agenda

Minutes

1. [MN-17-013](#) Consider Minutes of Regular City Council Meeting of May 23, 2017.
Attachments: [Minutes](#)
[Okray Memorandum for Record](#)

Resolutions

2. [RS-16-153A](#) Consider a memorandum/resolution to establish a policy to waive liens for demolition of dangerous buildings or health and safety abatements.
Attachments: [Staff Report](#)
[Draft Policy](#)
[Presentation](#)
3. [RS-16-153B](#) Consider a memorandum/resolution authorizing the filing of interventions for the foreclosure of abatement liens, in conjunction with delinquent tax collection lawsuits filed by Bell County.
Attachments: [Staff Report](#)
[Presentation](#)
4. [RS-17-053](#) Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2017.
Attachments: [Staff Report](#)

[Quarterly Investment Report](#)

5. [RS-17-054](#) Consider a memorandum/resolution appointing Council Members to various Boards and Commissions.
Attachments: [Staff Report](#)
[Ad-Hoc Committees](#)
[Presentation](#)
6. [RS-17-055](#) Consider a memorandum/resolution authorizing the award of Bid No. 17-12 for concrete, street materials, top soil, and slurry seal services.
Attachments: [Staff Report](#)
[Bid Tabulation](#)
[Certificate of Interested Parties](#)
[Presentation](#)
7. [RS-17-056](#) Consider a memorandum/resolution authorizing the submission of a Passenger Facility Charge (PFC) application to the Federal Aviation Administration (FAA).
Attachments: [Staff Report](#)
[Public Notice](#)
[Presentation](#)
8. [RS-17-057](#) Consider a memorandum/resolution authorizing the purchase of turnout gear for the Fire Department.
Attachments: [Staff Report](#)
[Quote](#)
[Lion PPE Letter](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Ordinances

9. [OR-17-008](#) Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy, Mid-Tex Division regarding the 2017 Rate Review Mechanism Filings.
Attachments: [Staff Report](#)
[Ordinance](#)
[Presentation](#)
10. [OR-17-009](#) Consider an ordinance amending City of Killeen Code of Ordinances Chapter 31, Division 6, Tower Regulations.
Attachments: [Staff Report](#)
[Ordinance](#)
[Minutes](#)

[Presentation](#)**Public Hearings**

11. [PH-17-027](#) HOLD a public hearing and consider an ordinance requested by Loma Vista Estates, a Texas partnership,(Case #Z17-13) to rezone Lots 7 and 8, Block 1, Loma Vista Estates Phase Three, from “B-5” (Business District) to “R-2” (Two Family Residential District). The properties are located at 2813 and 2814 Leroy Lane, Killeen, Texas.
- Attachments:** [Staff Report](#)
[Aerial Map Exhibit](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)
[Response](#)
[Presentation](#)
12. [PH-17-028](#) HOLD a public hearing and consider an ordinance requested by the Central Texas Youth Services Bureau (Case #Z17-12) to rezone Lot 56, Block 3, Copper Mountain One, Phase II, from “R-1” (Single-family Residential District) to “R-1” (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park on this site. The property is addressed as 2812 Bacon Ranch Road, Killeen, Texas.
- Attachments:** [Staff Report](#)
[Aerial Map Exhibit](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)
[Presentation](#)
13. [PH-17-029](#) HOLD a public hearing and consider an ordinance requested by Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum (Case #Z17-11) to rezone part of Lot 1, Block 3, South Gate Addition, from “B-5” (Business District) and “RC-1” (Restaurant and Alcohol Sales District) to “B-5” (Business District) for general commercial use. The properties are located at 1030 and 1040 W. Jasper Drive, Killeen, Texas.
- Attachments:** [Staff Report](#)

[Aerial Map Exhibit](#)

[Minutes](#)

[Ordinance](#)

[Application](#)

[Location Map](#)

[Buffer Map](#)

[Considerations](#)

[Response](#)

[Presentation](#)

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 June 9, 2017.

Dianna Barker, City Secretary

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

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

Notice of Meetings

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

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: MN-17-013 **Version:** 1 **Name:** Minutes of May 23, 2017
Type: Minutes **Status:** Minutes
File created: 5/9/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of May 23, 2017.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)
[Okray Memorandum for Record](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		

City of Killeen
Regular City Council Meeting
Killeen City Hall
May 23, 2017 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Jim Kilpatrick, Councilmembers Debbie Nash-King, Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Steve Harris

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

Chaplin Robin Durham gave the invocation, and East Ward Elementary kids led everyone in the Pledge of Allegiance.

Approval of Agenda

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

Minutes

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

Motion was made by Councilmember Rivera to approve the minutes of the May 16th Special City Council Meeting. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

Resolutions

City Council considered Resolutions A and B together.

RS-17-047A Consider a memorandum/resolution authorizing the acceptance of an \$80,000 contribution from the Greater Killeen Lions Foundation in exchange for agreeing to purchase, install, insure, and maintain a special needs playground to the standards outlined in the mutual agreement.

RS-17-047B Consider a memorandum/resolution authorizing the purchase, installation, and insurance of special needs playground equipment at Lions Club Park through the TASB BuyBoard.

Staff comments: Brett Williams

The Greater Killeen Lions Foundation seeks to have a signed agreement in place to ensure the City of Killeen is committed to maintaining a special needs playground for the duration of the life of Lions Club Park. The organization seeks assurances that the City of Killeen provide annual funding to ensure that any repairs required to the special needs playground as a result of normal wear and tear, vandalism, or misuse will be repaired in a timely fashion. Staff recommends City Council authorize the city manager to enter into an agreement with the Greater Killeen Lions Foundation to access \$80,000 for the construction of a special needs playground with the stipulations outlined in the mutual agreement. Staff recommends that City Council authorizes the purchase of playground equipment and associated amenities from The PlayWell Group through the TASB

BuyBoard in the amount of \$158,621.41. This amount features an \$80,000 contribution from the Greater Killeen Lion's Foundation.

Motion was made by Councilmember Rivera to approve RS-17-047A & 047B. Motion was seconded by Councilmember Okray. Motion carried unanimously.

RS-17-051 Consider a memorandum/resolution authorizing a lease agreement for the procurement of greens and fairways mowers for Stonetree Golf Course.

Staff comments: Brett Williams

The maintenance of turf grass requires specialized equipment. Stonetree Golf staff has identified cost savings by leasing mowing equipment as opposed to the traditional method of outright purchase. This change in approach results in staff having access to modern, up-to-date equipment that is under warranty for the duration of the lease. Staff is recommending that the City utilize the lease method to procure mowing equipment for Stonetree Golf Course via the TASB BuyBoard. The City will incur monthly payments in the amount of \$2,846.27 for 48 months. Staff recommends City Council authorizes the City Manager to execute a contract with Professional Turf Products for the lease of mowing equipment for Stonetree Golf Club in the amount of \$136,620.96, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Motion was made by Councilmember Fleming to approve RS-17-051. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-17-052 Consider a memorandum/resolution to enter into a Memorandum of Understanding with Central Texas College and Texas A & M University - Central Texas regarding educational initiatives.

Staff comments: Eva Bark

The resolution reflects a local community collaboration that began in 2009. The collaboration included connecting the city, the local community college, and the university, providing an affordable terminal degree (bachelor's) for less than \$18,000. Staff recommends formalizing the collaboration with Central Texas College and Texas A&M University-Central Texas to provide affordable opportunities for both our citizens and employees to achieve an affordable education. Staff recommends that the City Council authorize the City Manager to execute the City of Killeen's memorandum of understanding with Central Texas College and Texas A&M University - Central Texas. Dr. Marc Nigliazzo from TAMUCT and Jim Yeonopolus from CTC thanked the Council for the opportunity to enter into this agreement and their support.

Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-17-052. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Public Hearings

PH-17-025 HOLD a public hearing and consider an ordinance readopting the youth curfew. (2nd of 2 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE READOPTING A CURFEW FOR PERSONS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT THEIR BEING IN ANY PUBLIC PLACE FROM 11:00PM ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00AM THE FOLLOWING DAY, AND FROM 12:01 AM UNTIL 6:00AM ON ANY FRIDAY OR SATURDAY OR ON ANY DAY FROM JUNE 1 THROUGH AUGUST 15; PROVIDING DEFINITIONS; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING PENALTIES CONSISTING OF A FINE FOR MINORS NOT TO EXCEED \$500.00, AND FOR PARENTS OF MINORS CONSISTING OF A FINE OF NOT LESS THAN \$50.00, BUT NOT TO EXCEED \$500.00; ADOPTING CERTAIN DEFENSES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Chief Margaret Young

The City of Killeen adopted the current version of the youth curfew ordinance in 1996. The last re-adoption was in 2014. The Killeen Police Department has gathered statistics that show while juveniles continue to commit offenses during the curfew hours, the number of juvenile arrests during curfew has remained fairly constant in each of the preceding three years. This indicates that the enforcement of the curfew ordinance has kept juveniles off the streets during the curfew hours. The Police Department recommends council re-adopt the Youth Curfew ordinance.

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

Mayor Segarra opened the public hearing.

Bill Paquette, 515 Ray Ave - spoke in favor of the ordinance and suggested the city come up with a brochure that explains the reasoning behind the ordinance.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-17-025. Motion was seconded by Councilmember Nash-King.

After much discussion the Council reached a consensus to look at this ordinance closer and get KISD's input, then bring back to a future workshop for further discussion.

Motion carried 6 to 1 with Councilmember Fleming opposing.

PH-17-026 HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to transfer budgeted funds between departments within the General Fund and Solid Waste Fund.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO TRANSFER BUDGETED FUNDS BETWEEN DEPARTMENTS WITHIN THE GENERAL FUND AND SOLID WASTE FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

At the April 18, 2017, City Council Workshop, staff provided a FY 2017 Mid-Year Budget presentation which included forecasted revenue and expenditure information as well as recommended budget amendments for projected funding shortfalls in specific departments.

The amendments include adjusting departmental budgeted funds within the General Fund and Solid Waste Fund. The budget amendment does not increase the overall budget of the General Fund or Solid Waste Fund. Staff recommends that City Council approve the budget amendment moving budgeted funds between departments within the General Fund and Solid Waste Fund.

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

Motion was made by Councilmember Okray to approve PH-17-026. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Kilpatrick, and unanimously approved, the meeting was adjourned at 5:47 p.m.

MEMORANDUM FOR RECORD
PH-17-025, 05-23-17

Regarding proposed changes to the longstanding Youth Curfew Ordinance, without first considering and manifesting amendment of the ordinance's paradigm in the areas of enforcement procedures and penalties, my perspective is "Mega-Tee, Mega-Tor...same superhero, different action figure", as it regards amendment of curfew times. I believe it capricious to construe law and statute to subject the whole to the tyranny of a part, a minority in context, that comprises behavior precipitating the need of ordinance for the whole, to deter behavior that is reasonably and best managed by those who know, or should know those minors entrusted in their care by Providence, by law, or a combination thereof.

I reject outright the notion of underwriting abdication of parental or legal guardian accountability and responsibility, as it regards this ordinance. Nor am I willing to aid and abet possibly creating a construct or conditions which may precipitate confrontational environments between citizens and peace officers because of lack in parenting. Recent national events inform my perspective in this regard, although there does not exist in our community, the accompanying acrimony. We have well established bridges of relationship and communication between citizens and law enforcement within our community.

In context to my belief and perception of what appears to be a present national epidemic in contemporary society, there is a conundrum regarding the role and responsibility in relationships between parents or legal guardians of children. I digress to say I believe there are negative constructs in the relationship, a direct correlation of a child or the role of children in accounting for and being responsible for parental care in the golden years of parents lives. What has resulted to date is abject absence, irresponsibility, and propagation of false perception that the village is ultimately responsible for care in either scenario.

Before we charge off to amend the ordinance from its present form, I propose that we focus our efforts on enforcement procedures and penalties first, in efforts to enhance effectiveness of the Youth Curfew Ordinance. I propose the following amendments to enhance the ordinance:

Sec. 16-112. - Enforcement procedures (**enhanced**)¹

Any peace officer, upon finding a minor in violation of Section 16-110 *shall*:

- (a) Order the minor to go directly and promptly to his home, *after* issuing either a written warning or a citation; or
- (b) Release the minor to a parent, legal guardian or other responsible adult under circumstances deemed appropriate by the officer, *after* issuing either a written warning or a citation.
 - (1) When a minor is released to a parent, legal guardian or other responsible adult, the adult *shall* be informed of the specific violation, the nature and purpose of the law, and the

¹ " | Killeen, TX | Municode Library," n.d., accessed May 15, 2017, <https://www.municode.com/library/tx/killeen>.

consequences of future violations. The peace officer *shall* issue a citation to the minor's parent, legal guardian, or a responsible adult into whose care the minor was placed.

Sec. 16-113. – Penalties (**enhanced**)²

(a) Any minor violating the provisions of this article *shall* be guilty of a Class C misdemeanor as defined by the Texas Penal Code and *shall* be dealt with in accordance with the provisions of Title 3 of the Texas Family Code, and the Texas Code of Criminal Procedure.

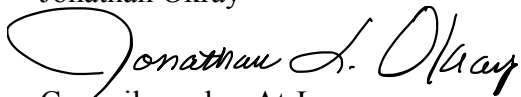
(b) A parent who violates subsection 16-110(b) or a person who violates subsection 16-110(c) *shall* be guilty of a misdemeanor, which *shall* be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(c) In assessing punishment for either a parent or minor, the municipal court judge *shall* consider a community service or teen court program.

To increase the opportunity of minimizing perceived or real confrontation between peace officers and citizens and to further minimize violation of law and criminality within the confines of curfew, enhancement of the ordinance is modest, if must amend the ordinance. As a matter of assisting parents and guardians, providing them effective tools to help get minors home and secure in home to minimize their exposure to criminality during curfew, it is principle, supreme, and paramount that parents and legal guardians be on the ‘tip of the spear’ of effort regarding safety and security within our community.

As a matter of this governing body considering ordinance, ordinance should be affective and effective, reasonably, readily, and realistically enforceable. The heart of the matter regarding this ordinance is the ability to promote peace and security within our community. The matter of this ordinance before this body is load **after** and **shall** appropriately and effectively within it. I believe they are effective beyond given time constraints.

Jonathan Okray



Councilmember At-Large

² Ibid.



City of Killeen

Legislation Details

File #: RS-16-153A **Version:** 1 **Name:** Policy for Waiving Demolition and Health and Safety Liens

Type: Resolution **Status:** Resolutions

File created: 5/22/2017 **In control:** City Council

On agenda: 6/13/2017 **Final action:**

Title: Consider a memorandum/resolution to establish a policy to waive liens for demolition of dangerous buildings or health and safety abatements.

Sponsors: Community Development Department, City Attorney Department

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Draft Policy](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: June 6, 2017

TO: Ronald L. Olson, City Manager

FROM: Leslie Hinkle, Executive Director of Community Development

SUBJECT: Establishing a policy to waive liens for demolition of dangerous buildings or health and safety abatements

BACKGROUND AND FINDINGS:

State law and city ordinances allow the city to demolish dangerous buildings and abate health and safety nuisances when particular circumstances are present. When completed, the city places a lien on the real property where the violation occurred. The city pays the costs of these activities with budgeted funds, and in the past has used Community Development Block Grant (CDBG) funds as well. Liens can be difficult to collect, particularly the larger demolition liens, and they remain on the property until someone pays.

The Bell County Tax Appraisal District forecloses on delinquent taxes and sells properties by way of a Sheriff's sale. If the minimum bid required by law is not received during the sale, the property is struck off the tax roll, rendering the property tax exempt. The properties are considered "in trust." Delinquent taxes are not collected, the property is exempt from current taxes, the city does not collect its liens, and the city will continue to incur costs for maintenance of the property and cannot recover those costs. Often properties will not sell because the city's liens exceed the minimum bid, and sometimes they exceed the value of the property.

The Bell County Appraisal District will conduct subsequent sales when a property does not sell at the initial Sheriff's sale. The properties currently in trust will not be considered because of the city's liens. Staff proposes that the liens on those properties be waived. The public purpose of waiving the liens is to return these properties to being taxable as well as reducing the amount of time and money the city spends maintaining them.

As mentioned, some work was done in the past using CDBG funds. Staff asked the Department of Housing and Urban Development ("HUD") if waiving these liens is acceptable. HUD responded that the city needed to have a policy in place for waiving liens. Approving the attached policy will satisfy HUD's requirement as well as establish a policy for the future.

By a separate item before the City Council, staff is also proposing to enter into an agreement with the law firm contracted with Bell County Appraisal District to intervene in the tax foreclosure sales, which hopefully will reduce the number of properties in trust in the future.

THE ALTERNATIVES CONSIDERED:

The city has the option to leave liens in place until paid, which is the current practice, or to establish a policy for waiving liens once properties are placed in trust.

Which alternative is recommended? Why?

Staff is recommending approval of the attached policy to waive liens on properties placed in trust. By the time a property is placed in trust, staff has made multiple unsuccessful attempts to collect the liens. The property has also failed to sell at a Sheriff's sale. Waiving the liens will increase the likelihood of sale which will return the property to taxable status and eliminate the city's responsibility to maintain it.

CONFORMITY TO CITY POLICY:

The attached policy is in conformance with state and local laws.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no expenditure with this action.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Staff recommends approval of the attached policy to waive liens for demolition of dangerous buildings or health and safety abatements.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

Lien Waiving Policy

POLICY ON WAIVING LIENS FOR DEMOLITION OF DANGEROUS BUILDINGS

OR HEALTH AND SAFETY ABATEMENTS

I. PURPOSE

This policy establishes the guidelines for waiving and releasing liens placed on property by the city, and specifically covers those liens placed for demolition of a dangerous building or abatement of health and safety violations.

II. DEMOLITION AND HEALTH AND SAFETY ABATEMENT

Pursuant to Chapter 8 of the City of Killeen Code of Ordinances, dangerous buildings or structures are a public nuisance and shall be abated. The city shall comply with all requirements in state law and Chapter 8, as may be amended in the future, in demolishing dangerous buildings.

Nuisances found in Chapter 18 of the City of Killeen Code of Ordinances include high weeds and grass; dangerous weeds over 48 inches; accumulation of litter, trash or rubbish; littering by depositing or dumping; stagnant water; allowing unsanitary conditions; care of premises; and accumulation of fill dirt. These are considered public nuisance pursuant to Chapter 18. The city shall comply with all requirements in state law and Chapter 18, as may be amended, in abatement of public nuisances.

III. FUNDING

Demolition of dangerous buildings shall be completed using any funds available to the responsible department, including the city's general fund and Community Development Block Grant ("CDBG") funds as allowed. Abatement of health and safety nuisances shall be completed using any available funds, but CDBG funds shall not be used.

IV. PLACEMENT OF LIEN

If the owner(s) of property fails to reimburse the city for the costs of demolishing a dangerous building or abatement of a health and safety violation, after the city has given required notice and time to pay, the city shall place a lien on real property on which the violation occurred. The lien shall accrue interest at the rate provided by law until the lien is paid or otherwise released.

V. PROCEDURE FOR WAIVING LIENS

Liens may be waived when Bell County Tax Appraisal District has placed a property into trust for failing to sell in previous sheriff's sales and the city did not previously waive liens. When a property is in trust, the city is responsible for maintenance of the property and may not place additional liens for any abatement to remedy the violation. By the time a property is placed in trust, the city has also made multiple unsuccessful attempts to collect on the liens placed during demolition.

If the city elects to intervene as a party to a foreclosure for delinquent taxes by the Bell County Tax Appraisal District, liens are not waived but instead are extinguished in the foreclosure process.

The city shall not waive liens at the request of a property owner unless, after investigation by city staff, it is determined that the lien was placed in error.

The City Council shall retain authority to waive liens not outlined in this policy and upon any a finding of a public purpose.

When liens are waived, Community Development will prepare a release of lien to be filed in the Bell County records.

VI. PUBLIC PURPOSE

The public purpose served by waiving outstanding liens is to make the properties more marketable by Bell County Tax Appraisal District at sheriff's sales, since often the liens exceed the value of the property and discourage buyers. It will also reduce the amount of time and money the city spends maintaining the real property placed in trust.

VII. WAIVER OF INTEREST ON LIENS

The city makes various attempts to collect outstanding liens, which includes administrative fees and interest that accrues by law from the time of filing with Bell County. Property owners often claim no knowledge of the lien or that a property management company should be responsible. As stated above, the city shall not waive liens at the request of a property owner. The city may waive interest and/or administrative fees on a lien where there is a benefit to the city. Such requests shall be reviewed by the City Manager or his/her designee for approval.

VIII. RESPONSIBILITY AND AUTHORITY

This Policy will be reviewed every three years by the City Council. Upon completion of the review, the City Council will adopt a resolution stating that it has reviewed the Policy on Waiving

Liens for Demolition of Dangerous Buildings or Health and Safety Abatements, and the outcome. Periodic revisions to the Policy will also be approved by resolution of the City Council.

Prepared by: Traci Briggs
Deputy City Attorney

Reviewed by: Ronald L. Olson
City Manager

Initial adoption by Council: June 13, 2017

DRAFT



POLICY TO WAIVE LIENS

RS-16-153A

June 6, 2017

Overview

- State Law & City Ordinances –demolition and abatement of health and safety nuisances
- Bell County Appraisal District – foreclosure process
- Properties held “in trust”
- Proposed policy for waiving liens for “in trust” properties

Information

- State Law & City Ordinances allow demolition and abatement of health and safety nuisances
- Bell County Appraisal District foreclosure process – Sheriff Sale
- Properties “in trust” -27 Killeen properties from 1999 to 2017
- Proposed policy for waiving liens – required to move forward

Information

- Properties “in trust” -27 Killeen properties totaling 464 liens = 65 CDBG liens (\$81,131.29) & 399 in GF (\$102,970.60) total=\$184,101.89
- Proposed policy for waiving liens – required to move forward with sale

Proposed Policy



- Purpose
- Demolition & Health & Safety Abatement
- Funding
- Placement of Lien
- Procedure for Waiving Liens
- Public Purpose
- Waiver of Interest on Liens
- Responsibility & Authority

Summary

- ❑ Properties in trust do not produce revenue for any taxing entity.
- ❑ Establish policy to waive liens, interest and fees on properties “in trust” with Bell County Appraisal District.
- ❑ Properties to be sold at subsequent foreclosure (Sheriff) sale
- ❑ Release properties to be returned to the tax rolls and end city’s responsibility to maintain



City of Killeen

Legislation Details

File #: RS-16-153B **Version:** 1 **Name:** Authorize Abatement Lien Foreclosures
Type: Resolution **Status:** Resolutions
File created: 12/1/2016 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the filing of interventions for the foreclosure of abatement liens, in conjunction with delinquent tax collection lawsuits filed by Bell County.
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		
12/6/2016	1	City Council Workshop		



STAFF REPORT

DATE: June 6, 2017

TO: Ronald L. Olson, City Manager

FROM: Kathy Davis, City Attorney

SUBJECT: Authorizing the filing of interventions for the foreclosure of abatement liens

BACKGROUND AND FINDINGS:

The law firm of McCreary, Veselka, Bragg & Allen, P.C. represents the Bell County Tax Appraisal District in the collection of delinquent property taxes. Several properties that are subject to a pending delinquent tax collection lawsuit also have city health and safety liens for the abatement of weeds, grass, trash, rubbish, and/or substandard structures.

Typically, properties on which the city has liens are vacant and abandoned and collection of the liens via foreclosure is difficult, if not impossible. First, the owners of the properties may not have any non-exempt assets from which the city may collect the amount of its lien; so a personal judgment against the property owners has little or no impact. Second, the city's liens are inferior to the tax liens securing payment of the delinquent taxes on the property. Often, the total amount of the city's liens and the delinquent property taxes exceed the "true" market value of the property and therefore exceed the amount a purchaser will pay for the property at a tax lien foreclosure sale conducted by the Bell County Sheriff.

If the minimum bid required by law is not received by the Sheriff at the tax lien foreclosure sale, the property is struck off the tax roll, rendering the property tax exempt. Delinquent taxes are not collected, the property is exempt from current taxes, the city does not collect its liens, and the city will continue to incur costs for maintenance of the property.

Section 214.004 of the Local Government Code, Section 342.007(h) of the Health and Safety Code, and Section 33.41(c) of the Tax Code provide that the city may attempt to recover the amount of its liens in conjunction with a delinquent tax collection lawsuit. If the city intervenes in the county's delinquent tax collection lawsuits, the city's liens will be included in the judgment for the foreclosure of the tax liens. The city will receive the amount of its liens from the proceeds of the tax sale to the extent there are proceeds remaining after the payment of the delinquent taxes and costs of the foreclosure suit and sale. Since the city's liens are inferior to the tax liens, the city may not recover all or any of the amount of its liens, and the city's liens will be extinguished. However, the city will benefit from having the property sold to a new owner who will maintain the property and pay taxes on the property in the future. Furthermore, the city will obtain payment of the delinquent taxes, may obtain payment of its liens, and will be relieved from the future cost of maintenance of the property.

Since the Tax Appraisal District is in the process of foreclosing several tax liens, the Appraisal District's attorney is offering to also represent the city by preparing an intervention for the city in the delinquent tax collection lawsuit in order that the city's liens may be included in the judgment for the foreclosure on the tax liens. There will be no charge by the law firm to the city for filing this intervention or for the recovery of all or part of the amount of the city's liens from the tax lien foreclosure sale.

Additionally, the law firm has offered to include the city's unpaid liens in future delinquent tax collection lawsuits, as well. The city does extensive collection efforts, and is most successful when the property contains a structure. Rather than automatically include property in a delinquent tax collection lawsuit, the law firm has agreed to ask the city before intervening so that the likelihood of collection can be reviewed before proceeding.

THE ALTERNATIVES CONSIDERED:

Available options are allowing the law firm to intervene on the city's behalf; intervening independently of the Tax Appraisal District and at the city's own cost; or continuing with the current practice of not participating in the foreclosure and continuing to maintain properties that do not sell.

Which alternative is recommended? Why?

Staff believes the best alternative is to authorize the law firm to intervene. If the property sells at sheriff's sale, the purchaser will maintain it and pay taxes, and there is potential for recovery of some of the outstanding liens.

CONFORMITY TO CITY POLICY:

This action is in compliance with state law and city policy.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no expenditure associated with this action.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

That the City Council authorize the law firm of McCreary, Veselka, Bragg & Allen, P.C. to file interventions on behalf of the City of Killeen for the foreclosure of abatement liens for the costs of abating weeds, grass, trash, rubbish, and/or substandard structures, in conjunction with the delinquent tax collection lawsuits filed by the Tax Appraisal District of Bell County, and authorizing the City Manager to execute any and all required documents.

DEPARTMENTAL CLEARANCES:

Finance

ATTACHED SUPPORTING DOCUMENTS:



INTERVENING IN TAX COLLECTION LAWSUITS

RS-16-153B

June 6, 2017

Lien Background

2

- If property owners fail to abate nuisances, the city abates or pays a contractor to do so.
 - ▣ Examples of nuisances: weeds, grass, trash, substandard structures.

- Property owners are billed.

- If the owner fails to pay, the city places a lien on the property and the city continues to maintain the property.

Foreclosure Lawsuits & Sheriff's Sale

3

- Bell County Tax Appraisal District files foreclosure lawsuits to collect delinquent taxes, then sells properties at Sheriff's sale.
 - ▣ Many properties with unpaid taxes also have unpaid city liens.
- The City of Killeen currently does not participate in the foreclosures and Sheriff's sale, meaning our liens stay with the property if it sells at the Sheriff's sale.
- If the property does not sell, the property is placed in trust, making the property tax exempt.
 - ▣ Delinquent taxes are not collected
 - ▣ City does not collect on liens
 - ▣ City continues to maintain the property

Law Firm Representation

4

- McCreary, Veselka, Bragg & Allen, P.C. represents the Bell County Appraisal District in tax foreclosure lawsuits.
- The firm is offering to intervene in future lawsuits on behalf of the City to include its abatement liens.
- No charge for representation because the firm is paid from proceeds of tax sale.

Why Intervene?

5

- The City's liens often exceed the minimum bid, or even the fair market value, which discourages potential purchasers.
- By intervening, liens will be combined with delinquent taxes and may be collected during sale.

Summary

6

- Staff recommends the city council authorize intervention in the tax collection lawsuits filed by the Bell County Tax Appraisal District for the foreclosure of abatement liens.



City of Killeen

Legislation Details

File #: RS-17-053 **Version:** 1 **Name:** Quarterly Investment Report for the quarter ended March 31, 2017
Type: Resolution **Status:** Resolutions
File created: 5/1/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Quarterly Investment Report](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: June 6, 2017
TO: Ronald L. Olson, City Manager
FROM: Jonathan Locke, Executive Director of Finance
SUBJECT: Quarterly Investment Report

BACKGROUND AND FINDINGS:

The attached investment report summarizes all investment activity for the quarter that ended on March 31, 2017. The highlights of the report are as follows:

	Oct - Dec 2016	Jan - Mar 2017	Change
Interest Income	\$118,903	\$179,725	51.15%
Investment Balance	\$97,704,490	\$91,767,506	-6.08%
Average Yield	0.66%	0.84%	27.27%

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

What is the amount of the expenditure in the current fiscal year? For future years?

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Staff recommends that the City Council approve the attached investment report for the quarter that ended on March 31, 2017.

DEPARTMENTAL CLEARANCES:

Legal

Finance Department

ATTACHED SUPPORTING DOCUMENTS:

Quarterly Investment Report



City of Killeen

QUARTERLY INVESTMENT REPORT

For the Quarter Ended

March 31, 2017

Prepared by

Valley View Consulting, L.L.C.

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

Jonathan Locke, Executive Director of Finance

Karen Evans, Assistant Director of Finance

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

Summary

Quarter End Results by Investment Category:

Asset Type	Ave. Yield	March 31, 2017		December 31, 2016	
		Book Value	Market Value	Book Value	Market Value
Demand Accounts	0.36%	\$ 10,974,715	\$ 10,974,715	\$ 10,072,588	\$ 10,072,588
Pools/MMA	0.87%	48,902,724	48,902,724	53,225,841	53,225,841
Securities/CDs	0.95%	31,890,067	31,890,067	34,406,061	34,406,061
Totals		\$ 91,767,506	\$ 91,767,506	\$ 97,704,490	\$ 97,704,490

Current Quarter Average Yield (1)

Total Portfolio 0.84%

Rolling Three Mo. Treas. Yield 0.60%

Rolling Six Mo. Treas. Yield 0.64%

Fiscal Year-to-Date Average Yield (2)

Total Portfolio 0.74%

Rolling Three Mo. Treas. Yield 0.52%

Rolling Six Mo. Treas. Yield 0.55%

Quarterly TexPool Yield 0.54%

Interest Income

Quarterly \$ 179,725

Year-to-date \$ 298,628

Bank Fees Offset

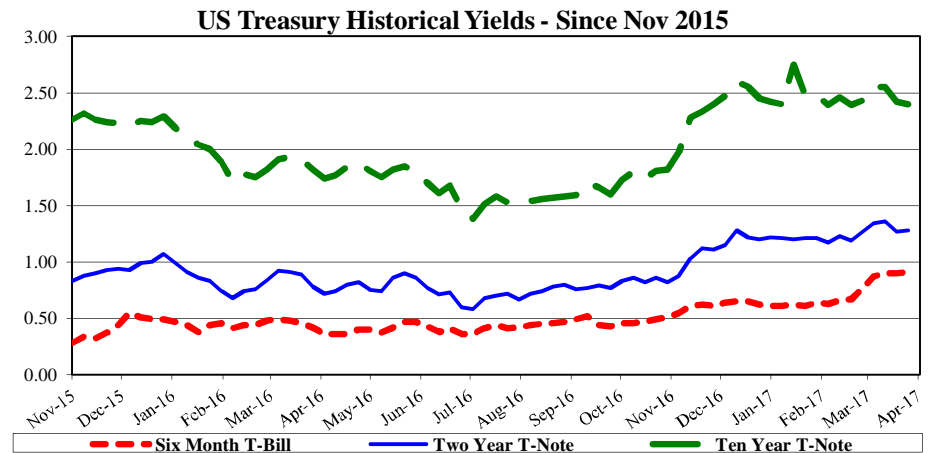
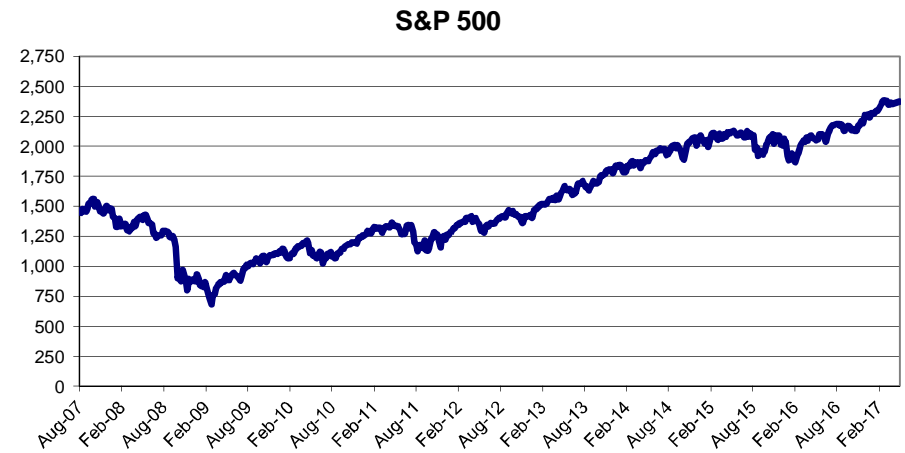
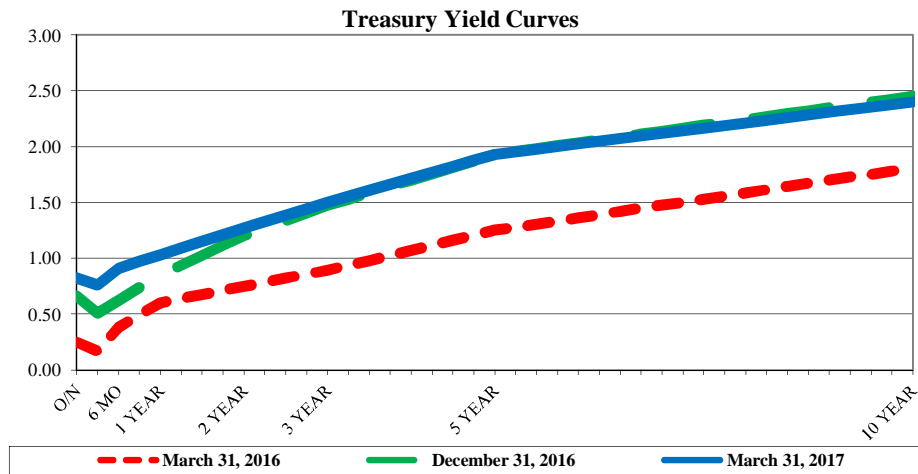
Quarterly \$ 10,195

Year-to-date \$ 20,921

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

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

The Federal Open Market Committee (FOMC) raised the Fed Funds target range of 0.75% - 1.00% (actual Fed Funds are trading +/-90 bps). There are mixed anticipations for additional FOMC actions this year. Some look for another rise as early as the June FOMC meeting. Final revision 4th Quarter 2016 GDP increased to 2.1%. US data reflects continuing modest to moderate economic growth. The Stock Markets recorded new highs. Financial Institution deposits (MMAs and CDs) generally offer the best interest earnings opportunity.



Investment Holdings
March 31, 2017

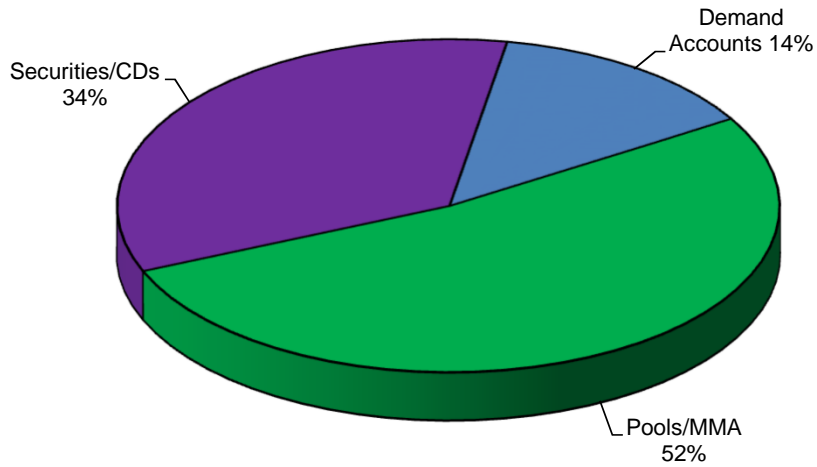
Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
BBVA Demand Account (3)		0.36%	04/01/17	03/31/17	\$ 10,952,415	\$ 10,952,415	1.00	\$ 10,952,415	1	0.36%
Cash on Hand		0.00%	04/01/17	03/31/17	11,180	11,180	1.00	11,180	1	0.00%
Union State Bank		0.15%	04/01/17	03/31/17	11,120	11,120	1.00	11,120	1	0.15%
FILA (IDP)		0.68%	04/01/17	03/31/17	6,096,992	6,096,992	1.00	6,096,992	1	0.68%
Southside Bank MMA		0.76%	04/01/17	03/31/17	4,623,632	4,623,632	1.00	4,623,632	1	0.76%
LegacyTexas MMA		0.67%	04/01/17	03/31/17	2,661,786	2,661,786	1.00	2,661,786	1	0.67%
Green Bank MMA		0.86%	04/01/17	03/31/17	9,055,487	9,055,487	1.00	9,055,487	1	0.86%
NexBank MMA		1.07%	04/01/17	03/31/17	20,054,668	20,054,668	1.00	20,054,668	1	1.07%
TexasDAILY	AAA	0.66%	04/01/17	03/31/17	2,804	2,804	1.00	2,804	1	0.66%
TexPool	AAA	0.62%	04/01/17	03/31/17	6,404,015	6,404,015	1.00	6,404,015	1	0.62%
TexSTAR	AAA	0.63%	04/01/17	03/31/17	3,339	3,339	1.00	3,339	1	0.63%
Central National Bank CD		0.95%	04/26/17	04/26/15	2,055,010	2,055,010	100.00	2,055,010	26	0.95%
LegacyTexas Bank CD		0.75%	05/01/17	05/06/16	1,006,264	1,006,264	100.00	1,006,264	31	0.75%
LegacyTexas Bank CD		0.86%	05/01/17	06/21/16	1,006,451	1,006,451	100.00	1,006,451	31	0.86%
LegacyTexas Bank CD		0.75%	05/01/17	08/09/16	2,008,729	2,008,729	100.00	2,008,729	31	0.75%
LegacyTexas Bank CD		0.77%	06/01/17	05/06/16	1,006,432	1,006,432	100.00	1,006,432	62	0.77%
LegacyTexas Bank CD		0.90%	06/01/17	06/21/16	1,006,752	1,006,752	100.00	1,006,752	62	0.90%
LegacyTexas Bank CD		0.79%	07/03/17	05/06/16	1,006,599	1,006,599	100.00	1,006,599	94	0.79%
Central National Bank CD		0.82%	08/01/17	09/30/16	1,000,000	1,000,000	100.00	1,000,000	123	0.82%
LegacyTexas Bank CD		0.80%	08/01/17	08/09/16	2,009,312	2,009,312	100.00	2,009,312	123	0.80%
LegacyTexas Bank CD		0.75%	08/01/17	10/03/16	1,003,107	1,003,107	100.00	1,003,107	123	0.75%
LegacyTexas Bank CD		0.85%	09/01/17	08/09/16	2,009,895	2,009,895	100.00	2,009,895	154	0.85%
Green Bank CD		0.80%	09/01/17	11/01/16	4,008,066	4,008,066	100.00	4,008,066	154	0.80%
Origin Bank CD		1.25%	01/02/18	12/02/16	245,000	245,000	100.00	245,000	277	1.25%
Southside Bank CD		0.97%	01/03/18	12/02/16	4,009,567	4,009,567	100.00	4,009,567	278	0.97%
Lubbock National Bank CD		1.20%	03/01/18	03/14/17	2,500,000	2,500,000	100.00	2,500,000	335	1.20%
Lubbock National Bank CD		1.25%	04/02/18	03/14/17	2,000,000	2,000,000	100.00	2,000,000	367	1.25%
Lubbock National Bank CD		1.25%	05/01/18	03/14/17	1,000,000	1,000,000	100.00	1,000,000	396	1.25%
LegacyTexas Bank CD		1.20%	06/01/18	12/29/16	3,008,885	3,008,885	100.00	3,008,885	427	1.20%
					\$ 91,767,506	\$ 91,767,506		\$ 91,767,506	69	0.84%
									(1)	(2)

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

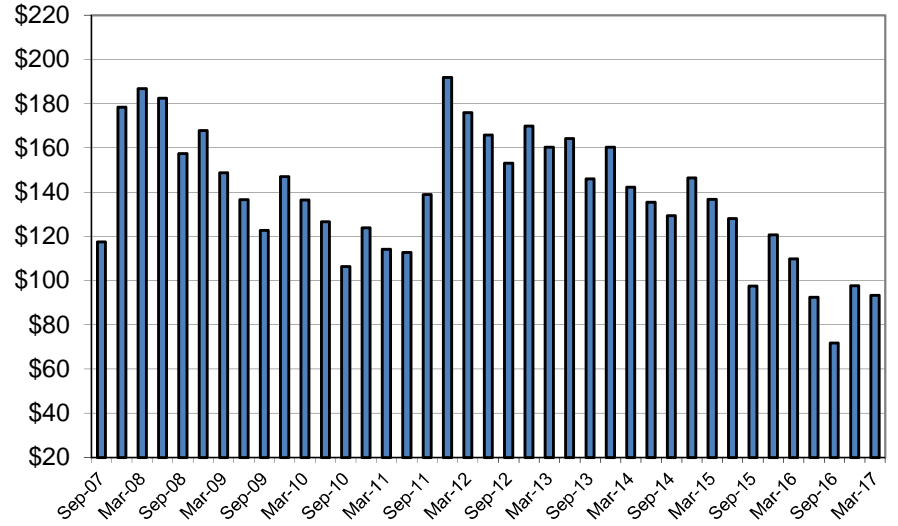
(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for cash equivalent investments.

(3) **Bank Fees Offset Equivalent Yield** - Compensating balance in bank operating account yielded a blended equivalent investment yield as a result of Bank fees offset.

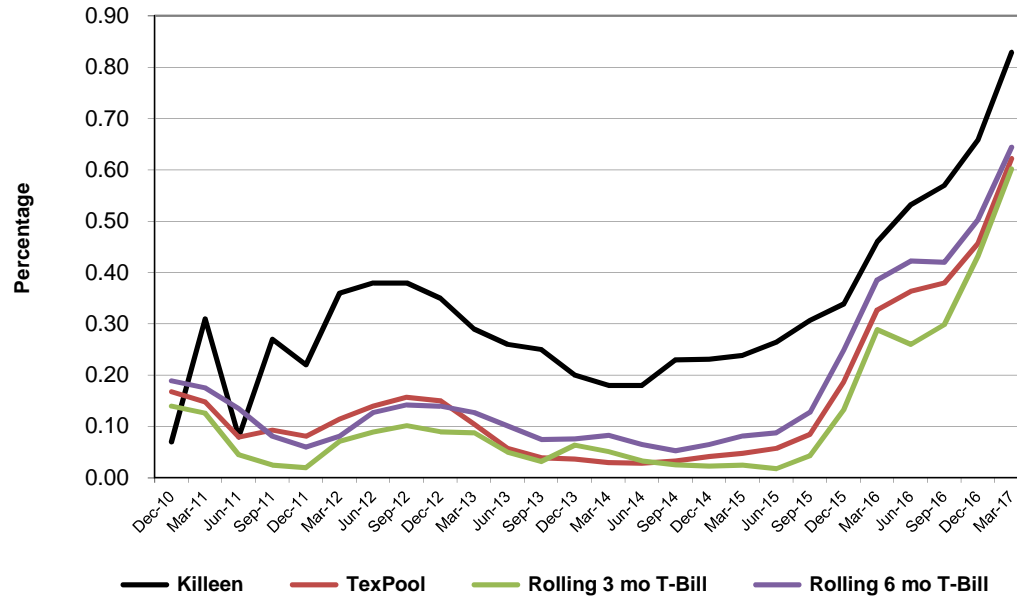
Portfolio Composition



Total Portfolio (Millions)



Total Portfolio Performance



Book Value Comparison

Description	Coupon/ Discount	Maturity Date	December 31, 2016		Purchases/ Adjustments	Sales/Adjust/ Maturities	March 31, 2017	
			Par Value	Book Value			Par Value	Book Value
BBVA Demand Account	0.36%	04/01/17	\$ 10,050,293	\$ 10,050,293	\$ 902,122	\$ -	\$ 10,952,415	\$ 10,952,415
Cash on Hand	0.00%	04/01/17	11,180	11,180			11,180	11,180
Union State Bank	0.15%	04/01/17	11,116	11,116	4		11,120	11,120
FILA (IDP)	0.68%	04/01/17	6,087,092	6,087,092	9,900		6,096,992	6,096,992
Southside Bank MMA	0.76%	04/01/17	4,615,506	4,615,506	8,126		4,623,632	4,623,632
LegacyTexas MMA	0.67%	04/01/17	2,658,164	2,658,164	3,622		2,661,786	2,661,786
Green Bank MMA	0.86%	04/01/17	9,037,524	9,037,524	17,963		9,055,487	9,055,487
NexBank MMA	1.07%	04/01/17	10,006,679	10,006,679	10,047,989		20,054,668	20,054,668
TexasDAILY	0.66%	04/01/17	2,799	2,799	4		2,804	2,804
TexPool	0.62%	04/01/17	20,814,741	20,814,741		(14,410,726)	6,404,015	6,404,015
TexSTAR	0.63%	04/01/17	3,335	3,335	5		3,339	3,339
Central National Bank CD	0.71%	01/03/17	1,000,000	1,000,000		(1,000,000)	-	-
Central National Bank CD	0.80%	01/03/17	1,006,018	1,006,018		(1,006,018)	-	-
Central National Bank CD	0.85%	02/01/17	1,006,394	1,006,394		(1,006,394)	-	-
Comerica Bank CD	0.80%	03/02/17	2,028,287	2,028,287		(2,028,287)	-	-
Central National Bank CD	1.01%	03/09/17	3,030,537	3,030,537		(3,030,537)	-	-
Central National Bank CD	0.95%	04/26/17	2,050,101	2,050,101	4,909		2,055,010	2,055,010
LegacyTexas Bank CD	0.75%	05/01/17	1,004,406	1,004,406	1,859		1,006,264	1,006,264
LegacyTexas Bank CD	0.86%	05/01/17	1,004,320	1,004,320	2,131		1,006,451	1,006,451
LegacyTexas Bank CD	0.75%	05/01/17	2,005,018	2,005,018	3,710		2,008,729	2,008,729
LegacyTexas Bank CD	0.77%	06/01/17	1,004,523	1,004,523	1,908		1,006,432	1,006,432
LegacyTexas Bank CD	0.90%	06/01/17	1,004,521	1,004,521	2,231		1,006,752	1,006,752
LegacyTexas Bank CD	0.79%	07/03/17	1,004,641	1,004,641	1,958		1,006,599	1,006,599
Central National Bank CD	0.82%	08/01/17	1,000,000	1,000,000			1,000,000	1,000,000
LegacyTexas Bank CD	0.80%	08/01/17	2,005,353	2,005,353	3,958		2,009,312	2,009,312
LegacyTexas Bank CD	0.75%	08/01/17	1,001,254	1,001,254	1,853		1,003,107	1,003,107
LegacyTexas Bank CD	0.85%	09/01/17	2,005,688	2,005,688	4,207		2,009,895	2,009,895
Green Bank CD	0.80%	09/01/17	4,000,000	4,000,000	8,066		4,008,066	4,008,066
Origin Bank CD	1.25%	01/02/18	245,000	245,000			245,000	245,000
Southside Bank CD	0.97%	01/03/18	4,000,000	4,000,000	9,567		4,009,567	4,009,567
Lubbock National Bank CD	1.20%	03/01/18	-	-	2,500,000		2,500,000	2,500,000
Lubbock National Bank CD	1.25%	04/02/18	-	-	2,000,000		2,000,000	2,000,000
Lubbock National Bank CD	1.25%	05/01/18	-	-	1,000,000		1,000,000	1,000,000
LegacyTexas Bank CD	1.20%	06/01/18	3,000,000	3,000,000	8,885		3,008,885	3,008,885
TOTAL			\$ 97,704,490	\$ 97,704,490	\$ 16,544,978	\$ (22,481,962)	\$ 91,767,506	\$ 91,767,506

Market Value Comparison

Description	Coupon/ Discount	Maturity Date	December 31, 2016		Qtr to Qtr Change	March 31, 2017	
			Par Value	Market Value		Par Value	Market Value
BBVA Demand Account	0.36%	04/01/17	\$ 10,050,293	\$ 10,050,293	\$ 902,122	\$ 10,952,415	\$ 10,952,415
Cash on Hand	0.00%	04/01/17	11,180	11,180		11,180	11,180
Union State Bank	0.15%	04/01/17	11,116	11,116	4	11,120	11,120
FILA (IDP)	0.68%	04/01/17	6,087,092	6,087,092	9,900	6,096,992	6,096,992
Southside Bank MMA	0.76%	04/01/17	4,615,506	4,615,506	8,126	4,623,632	4,623,632
LegacyTexas MMA	0.67%	04/01/17	2,658,164	2,658,164	3,622	2,661,786	2,661,786
Green Bank MMA	0.86%	04/01/17	9,037,524	9,037,524	17,963	9,055,487	9,055,487
NexBank MMA	1.07%	04/01/17	10,006,679	10,006,679	10,047,989	20,054,668	20,054,668
TexasDAILY	0.66%	04/01/17	2,799	2,799	4	2,804	2,804
TexPool	0.62%	04/01/17	20,814,741	20,814,741	(14,410,726)	6,404,015	6,404,015
TexSTAR	0.63%	04/01/17	3,335	3,335	5	3,339	3,339
Central National Bank CD	0.71%	01/03/17	1,000,000	1,000,000	(1,000,000)	—	—
Central National Bank CD	0.80%	01/03/17	1,006,018	1,006,018	(1,006,018)	—	—
Central National Bank CD	0.85%	02/01/17	1,006,394	1,006,394	(1,006,394)	—	—
Comerica Bank CD	0.80%	03/02/17	2,028,287	2,028,287	(2,028,287)	—	—
Central National Bank CD	1.01%	03/09/17	3,030,537	3,030,537	(3,030,537)	—	—
Central National Bank CD	0.95%	04/26/17	2,050,101	2,050,101	4,909	2,055,010	2,055,010
LegacyTexas Bank CD	0.75%	05/01/17	1,004,406	1,004,406	1,859	1,006,264	1,006,264
LegacyTexas Bank CD	0.86%	05/01/17	1,004,320	1,004,320	2,131	1,006,451	1,006,451
LegacyTexas Bank CD	0.75%	05/01/17	2,005,018	2,005,018	3,710	2,008,729	2,008,729
LegacyTexas Bank CD	0.77%	06/01/17	1,004,523	1,004,523	1,908	1,006,432	1,006,432
LegacyTexas Bank CD	0.90%	06/01/17	1,004,521	1,004,521	2,231	1,006,752	1,006,752
LegacyTexas Bank CD	0.79%	07/03/17	1,004,641	1,004,641	1,958	1,006,599	1,006,599
Central National Bank CD	0.82%	08/01/17	1,000,000	1,000,000		1,000,000	1,000,000
LegacyTexas Bank CD	0.80%	08/01/17	2,005,353	2,005,353	3,958	2,009,312	2,009,312
LegacyTexas Bank CD	0.75%	08/01/17	1,001,254	1,001,254	1,853	1,003,107	1,003,107
LegacyTexas Bank CD	0.85%	09/01/17	2,005,688	2,005,688	4,207	2,009,895	2,009,895
Green Bank CD	0.80%	09/01/17	4,000,000	4,000,000	8,066	4,008,066	4,008,066
Origin Bank CD	1.25%	01/02/18	245,000	245,000		245,000	245,000
Southside Bank CD	0.97%	01/03/18	4,000,000	4,000,000	9,567	4,009,567	4,009,567
Lubbock National Bank CD	1.20%	03/01/18	—	—	2,500,000	2,500,000	2,500,000
Lubbock National Bank CD	1.25%	04/02/18	—	—	2,000,000	2,000,000	2,000,000
Lubbock National Bank CD	1.25%	05/01/18	—	—	1,000,000	1,000,000	1,000,000
LegacyTexas Bank CD	1.20%	06/01/18	3,000,000	3,000,000	8,885	3,008,885	3,008,885
TOTAL			\$ 97,704,490	\$ 97,704,490	\$ (5,936,984)	\$ 91,767,506	\$ 91,767,506

Allocation

March 31, 2017

Book & Market Value	Maturity Date	Total	Pooled Investments	General Fund	Special Revenue	Enterprise Funds	Capital Projects	Employee Benefit Trust
BBVA Demand Account	04/01/17	\$ 10,952,415	\$ 8,981,517	\$ -	\$ 486,814	\$ 298,668	\$ 690,762	\$ 494,654
Cash on Hand	04/01/17	11,180		5,080	2,000	4,100		
Union State Bank	04/01/17	11,120					11,120	
FILA (IDP)	04/01/17	6,096,992	6,096,992					
Southside Bank MMA	04/01/17	4,623,632	4,623,632					
LegacyTexas MMA	04/01/17	2,661,786	2,661,786					
Green Bank MMA	04/01/17	9,055,487	9,055,487					
NexBank MMA	04/01/17	20,054,668	20,054,668					
TexasDAILY	04/01/17	2,804	2,804					
TexPool	04/01/17	6,404,015	6,404,015					
TexSTAR	04/01/17	3,339	3,339					
Central National Bank CD	04/26/17	2,055,010					2,055,010	
LegacyTexas Bank CD	05/01/17	1,006,264	1,006,264					
LegacyTexas Bank CD	05/01/17	1,006,451	1,006,451					
LegacyTexas Bank CD	05/01/17	2,008,729	2,008,729					
LegacyTexas Bank CD	06/01/17	1,006,432	1,006,432					
LegacyTexas Bank CD	06/01/17	1,006,752	1,006,752					
LegacyTexas Bank CD	07/03/17	1,006,599	1,006,599					
Central National Bank CD	08/01/17	1,000,000	1,000,000					
LegacyTexas Bank CD	08/01/17	2,009,312	2,009,312					
LegacyTexas Bank CD	08/01/17	1,003,107	1,003,107					
LegacyTexas Bank CD	09/01/17	2,009,895	2,009,895					
Green Bank CD	09/01/17	4,008,066	4,008,066					
Origin Bank CD	01/02/18	245,000	245,000					
Southside Bank CD	01/03/18	4,009,567	4,009,567					
Lubbock National Bank CD	03/01/18	2,500,000	2,500,000					
Lubbock National Bank CD	04/02/18	2,000,000	2,000,000					
Lubbock National Bank CD	05/01/18	1,000,000	1,000,000					
LegacyTexas Bank CD	06/01/18	3,008,885	3,008,885					
Totals		\$ 91,767,506	\$ 87,719,298	\$ 5,080	\$ 488,814	\$ 302,768	\$ 2,756,892	\$ 494,654

Allocation

December 31, 2016

Book & Market Value	Maturity Date	Total	Pooled Investments	General Fund	Special Revenue	Enterprise Funds	Capital Projects	Employee Benefit Trust
BBVA Demand Account	01/01/17	\$ 10,050,293	\$ 8,757,662	\$ -	\$ 442,995	\$ 211,547	\$ 558,682	\$ 79,406
Cash on Hand	01/01/17	11,180		5,080	2,000	4,100		
Union State Bank	01/01/17	11,116					11,116	
FILA (IDP)	01/01/17	6,087,092	6,087,092					
Southside Bank MMA	01/01/17	4,615,506	4,615,506					
LegacyTexas MMA	01/01/17	2,658,164	2,658,164					
Green Bank MMA	01/01/17	9,037,524	9,037,524					
NexBank MMA	01/01/17	10,006,679	10,006,679					
TexasDAILY	01/01/17	2,799	2,799					
TexPool	01/01/17	20,814,741	20,814,741					
TexSTAR	01/01/17	3,335	3,335					
Central National Bank CD	01/03/17	1,000,000	1,000,000					
Central National Bank CD	01/03/17	1,006,018		1,006,018				
Central National Bank CD	02/01/17	1,006,394		1,006,394				
Comerica Bank CD	03/02/17	2,028,287		2,028,287				
Central National Bank CD	03/09/17	3,030,537					3,030,537	
Central National Bank CD	04/26/17	2,050,101					2,050,101	
LegacyTexas Bank CD	05/01/17	1,004,406	1,004,406					
LegacyTexas Bank CD	05/01/17	1,004,320	1,004,320					
LegacyTexas Bank CD	05/01/17	2,005,018	2,005,018					
LegacyTexas Bank CD	06/01/17	1,004,523	1,004,523					
LegacyTexas Bank CD	06/01/17	1,004,521	1,004,521					
LegacyTexas Bank CD	07/03/17	1,004,641	1,004,641					
Central National Bank CD	08/01/17	1,000,000	1,000,000					
LegacyTexas Bank CD	08/01/17	2,005,353	2,005,353					
LegacyTexas Bank CD	08/01/17	1,001,254	1,001,254					
LegacyTexas Bank CD	09/01/17	2,005,688	2,005,688					
Green Bank CD	09/01/17	4,000,000	4,000,000					
Origin Bank CD	01/02/18	245,000	245,000					
Southside Bank CD	01/03/18	4,000,000	4,000,000					
LegacyTexas Bank CD	06/01/18	3,000,000	3,000,000					
Totals		\$ 97,704,490	\$ 87,268,228	\$ 4,045,779	\$ 444,995	\$ 215,647	\$ 5,650,435	\$ 79,406



City of Killeen

Legislation Details

File #: RS-17-054 **Version:** 1 **Name:** Appoint Council Members to Various Boards and Commissions
Type: Resolution **Status:** Resolutions
File created: 5/22/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider a memorandum/resolution appointing Council Members to various Boards and Commissions.
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Ad-Hoc Committees](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: June 6, 2017
TO: Ronald L. Olson, City Manager
FROM: Kathy Davis, City Attorney
SUBJECT: Appointing councilmembers to various Boards & Commissions

BACKGROUND AND FINDINGS:

The Mayor and Council make annual appointments to the various boards, commissions, and committees that provide advisory services for the city and the region. The Mayor and Council are voting members of many of these; in some instances they represent the Council on the board as ex-officio members. Appointment sub-committee members are responsible for making appointment recommendations to the Council as a whole.

With the election of the new Council, it is time to consider the appointment of council members as voting members on boards and commissions, as well as to appointment sub-committees.

For those councilmembers filling unexpired seats (replacing outgoing council members), terms begin immediately upon approval of this resolution and continue through September 30, 2018. The remaining appointments are for terms to begin on October 1, 2017 and end on September 30, 2018.

THE ALTERNATIVES CONSIDERED:

No other alternatives were considered.

CONFORMITY TO CITY POLICY:

Making these appointments conforms to relevant city ordinances and polices

COUNCIL MEMBERS SITTING ON BOARDS/COMMISSIONS:

Animal Advisory Committee

Current Member	Status	New Member	Comments
Jonathan Okray		Jonathan Okray	Elected Official Representative
Shirley Fleming		Shirley Fleming	Elected Official Representative

Audit Committee

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Elected Mayor
Jonathan Okray		Jonathan Okray	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative

Hill Country Transit

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Elected Official Representative

Killeen Economic Development Corp (KEDC)

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Debbie Nash-King	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative
Jose Segarra		Jose Segarra	Ex-Officio, Mayor's Designee

Killeen Sister Cities

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Steve Harris	Elected Official Representative
Jonathan Okray		Jonathan Okray	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative
Shirley Fleming		Shirley Fleming	Ex-Officio, Mayor's Designee

Killeen Volunteers Inc.

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Steve Harris	Council Rep Ex-Officio
Jim Kilpatrick		Jim Kilpatrick	Council Rep Ex-Officio

Tax Increment Reinvestment Zone Number Two Board

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Gregory Johnson	Council Representative
Jim Kilpatrick		Jim Kilpatrick	Council Representative
Jose Segarra		Jose Segarra	Council Representative

Joint Land Use Study Policy Implementation Board

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Mayor
Jim Kilpatrick		Jim Kilpatrick	Council Representative

Central Texas Council of Governments (CTCOG)

Current Member	Status	New Member	Comments
Gregory Johnson		Gregory Johnson	Alternate
Jose Segarra		Jose Segarra	Council Representative

Development District Board of Central Texas

Current Member	Status	New Member	Comments
Juan Rivera		Juan Rivera	City Representative

Transportation Planning Committee (K-T MPO)

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Council Representative
Gregory Johnson		Gregory Johnson	Council Representative
Juan Rivera		Juan Rivera	Council Representative

APPOINTMENT SUB-COMMITTEES:

Board of Adjustment - Construction

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Debbie Nash-King	Sub-Committee Member
Jonathan Okray		Jonathan Okray	Sub-Committee Member

Board of Adjustment - Fire Prevention Code

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Jonathan Okray		Jonathan Okray	Sub-Committee Member

Board of Adjustment - Airport Hazard Zoning

Current Member	Status	New Member	Comments
Shirley Fleming		Shirley Fleming	Sub-Committee Member
Brockley Moore	Outgoing Council Member	Jonathan Okray	Sub-Committee Member

Board of Adjustment - Zoning

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Jonathan Okray		Jonathan Okray	Sub-Committee Member

Killeen Volunteers Inc.

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Brockley Moore	Outgoing Council Member	Debbie Nash-King	Sub-Committee Member

Senior Citizen Advisory Board

Current Member	Status	New Member	Comments
Jonathan Okray		Jonathan Okray	Sub-Committee Member
Shirley Fleming		Shirley Fleming	Sub-Committee Member

Bell County Health District

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Brockley Moore	Outgoing Council Member	Steve Harris	Sub-Committee Member

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no current or future expenditure required by these appointments.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Recommendation is to appoint the New Members as stated above.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

N/A

June 2017

COUNCIL APPOINTMENTS TO AD-HOC COMMITTEES

Ad-hoc committees may be created for a specific purpose. An ad-hoc committee shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council.

The Mayor shall appoint the members of the committee, subject to the consent of the Council, to be given by consensus. These appointments should be considered annually: Council positions in June and citizen positions in August/September. On the attached appointment sheets, citizen positions are grayed out, indicating that it is not yet time to consider those appointments. The Mayor has already made some selections to fill vacancies; those have been indicated on the charts below.

The appointments to fill an unexpired term (a seat vacated by an outgoing council member) shall begin immediately and run through September 30, 2018. The appointments for new terms shall begin October 1, 2017 and end on September 30, 2018.

Water/Sewer/Drainage Committee

Current Member	Status	New Member	Comments
Dick Young	Outgoing Council Member	Shirley Fleming	Chair - Elected Official
Jim Kilpatrick		Jim Kilpatrick	Elected Official
Shirley Fleming	Became Chair	Debbie Nash-King	Elected Official
Joel Steine		Joel Steine	Citizen Rep
Reginald Cole		Reginald Cole	Citizen Rep
Otis Evans		Otis Evans	Citizen Rep
Jack Ralston		Jack Ralston	Citizen Rep - Alternate

Structure: Committee is comprised of three councilmembers and four citizens, appointed by Mayor with the consent of Council, to be provided by consensus. The Mayor shall appoint one councilmember to serve as the Chair of the committee, and one of the four citizens appointed to the committee will serve as an alternate member. The City Manager will appoint staff who will provide support to the Committee.

Mission: to preview major issues regarding water, sewer, and drainage, that have been identified by city staff. The committee will provide feedback to staff in advance of the item being presented to Council.

Regular Meetings: Held the 3rd Tuesday of each month in the Main Conference room at city hall, 2nd floor. Coordination of meetings will be made through the Director of Public Works office.

Downtown Development Committee

Current Member	Status	New Member	Comments
Juan Rivera		Juan Rivera	Chair - Elected Official
Gregory Johnson		Gregory Johnson	Elected Official
Brockley Moore	Outgoing Council Member	Shirley Fleming	Elected Official
Analuisa Carrillo-Tapia		Analuisa Carrillo-Tapia	Citizen Rep
Tim Hancock		Tim Hancock	Citizen Rep
Anita Wilson		Anita Wilson	Citizen Rep
Gwendolyn Caviness		Gwendolyn Caviness	Citizen Rep - Alternate

Structure: Committee is comprised of three councilmembers and four citizens, appointed by Mayor with the consent of Council, to be provided by consensus. The Mayor shall appoint one councilmember to serve as the Chair of the committee, and one of the four citizens appointed to the committee will serve as an alternate member. The City Manager will appoint staff who will provide support to the Committee.

Mission: To preview major issues and initiatives regarding development in the downtown district that have been identified by city staff. The committee will provide feedback to staff in advance of the item being presented to Council.

Regular Meetings: Held the 1st Tuesday of each month in the Main Conference room at city hall, 2nd floor. Coordination of meetings will be made through the Director of Planning & Development's office.

Transportation Committee

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Chair - Elected Official
Jonathan Okray		Jonathan Okray	Elected Official
Juan Rivera		Juan Rivera	Elected Official
Tyler Price		Tyler Price	Citizen Rep
Ursula Rushing		Ursula Rushing	Citizen Rep
Miguel Diaz Jr.		Miguel Diaz Jr.	Citizen Rep
John Driver Sr.		John Driver Sr.	Citizen Rep - Alternate

Structure: Committee is comprised of three councilmembers and four citizens, appointed by Mayor with the consent of Council, to be provided by consensus. The Mayor shall appoint one councilmember to serve as the Chair of the committee, and one of the four citizens appointed to the committee will serve as an alternate member. The City Manager will appoint staff who will provide support to the Committee.

Mission: To preview major transportation issues that have been identified by city staff. The committee will provide feedback to staff in advance of the item being presented to Council.

Regular Meetings: Held the 2nd Tuesday of each month in the Main Conference room at city hall, 2nd floor. Coordination of meetings will be made through the Director of Public Works' office.

Solid Waste Outsourcing

Current Member	Status	New Member	Comments
Dick Young	Outgoing Council Member		Chair - Elected Official
Shirley Fleming		Shirley Fleming	Elected Official
Brockley Moore	Outgoing Council Member		Elected Official

Structure: Committee is comprised of three councilmembers, appointed by Mayor with the consent of Council, to be provided by consensus. The Mayor will appoint one councilmember to serve as the Chair of the committee. The City Manager will appoint staff who will provide support to the Committee.

Mission: To preview the major issues, constraints, and impacts of managed competition of solid waste collection services in the City of Killeen. They provide feedback to staff in advance of items being presented to City Council.

Meetings: As needed, coordinated by Director of Public Works or Assistant Director of Public Work.

Audit Advisory Committee

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Chair - Elected Official
Dick Young	Outgoing Council Member		Elected Official
Shirley Fleming		Shirley Fleming	Elected Official

Structure: Committee is comprised of three councilmembers, appointed by Mayor with the consent of Council, to be provided by consensus. The Mayor shall appoint one councilmember to serve as the Chair of the committee. The City Manager will appoint staff who will provide support to the Committee.

Mission: To assist with and oversee the Management Audit conducted by McConnell and Jones.

Meetings: As needed, coordinated by City Auditor.



COUNCIL APPOINTMENTS TO BOARDS & COMMISSIONS

RS-17-054

June 6, 2017



Background

2

- The Mayor & Council make annual appointments to various boards, commissions and committees
- With the election of the new Council, it is time to consider the appointment of Councilmembers to boards and committees.
- Three types of appointments:
 - ▣ Regular members
 - ▣ Appointment sub-committees
 - ▣ Ad-hoc committees
- Terms:
 - ▣ Unexpired term = immediately through Sept. 30, 2018
 - ▣ Regular term = Oct. 1, 2017 through Sept. 30, 2018

Regular Boards & Commissions

3

Animal Advisory Committee

Current Member	Status	New Member	Comments
Jonathan Okray		Jonathan Okray	Elected Official Representative
Shirley Fleming		Shirley Fleming	Elected Official Representative

Audit Committee

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Elected Mayor
Jonathan Okray		Jonathan Okray	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative

Hill Country Transit

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Elected Official Representative

Regular Boards & Commissions

Killeen Economic Development Corp (KEDC)

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Debbie Nash-King	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative
Jose Segarra		Jose Segarra	Ex-Officio, Mayor's Designee

Killeen Sister Cities

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Steve Harris	Elected Official Representative
Jonathan Okray		Jonathan Okray	Elected Official Representative
Juan Rivera		Juan Rivera	Elected Official Representative
Shirley Fleming		Shirley Fleming	Ex-Officio, Mayor's Designee

Killeen Volunteers Inc.

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Steve Harris	Council Rep Ex-Officio
Jim Kilpatrick		Jim Kilpatrick	Council Rep Ex-Officio

Regular Boards & Commissions

Tax Increment Reinvestment Zone Number Two Board

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Gregory Johnson	Council Representative
Jim Kilpatrick		Jim Kilpatrick	Council Representative
Jose Segarra		Jose Segarra	Council Representative

Joint Land Use Study Policy Implementation Board

Current Member	Status	New Member	Comments
Jose Segarra		Jose Segarra	Mayor
Jim Kilpatrick		Jim Kilpatrick	Council Representative

Central Texas Council of Governments (CTCOG)

Current Member	Status	New Member	Comments
Gregory Johnson		Gregory Johnson	Alternate
Jose Segarra		Jose Segarra	Council Representative

Regular Boards & Commissions

Development District Board of Central Texas

Current Member	Status	New Member	Comments
Juan Rivera		Juan Rivera	City Representative

Transportation Planning Committee (K-T MPO)

Current Member	Status	New Member	Comments
<u>Jose Segarra</u>		<u>Jose Segarra</u>	Council Representative
Gregory Johnson		Gregory Johnson	Council Representative
Juan Rivera		Juan Rivera	Council Representative

Appointment Sub-Committees

Board of Adjustment - Construction

Current Member	Status	New Member	Comments
Brockley Moore	Outgoing Council Member	Debbie Nash-King	Sub-Committee Member
Jonathan Okray		Jonathan Okray	Sub-Committee Member

Board of Adjustment - Fire Prevention Code

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Jonathan Okray		Jonathan Okray	Sub-Committee Member

Board of Adjustment - Airport Hazard Zoning

Current Member	Status	New Member	Comments
Shirley Fleming		Shirley Fleming	Sub-Committee Member
Brockley Moore	Outgoing Council Member	Jonathan Okray	Sub-Committee Member

Board of Adjustment - Zoning

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Jonathan Okray		Jonathan Okray	Sub-Committee Member

Appointment Sub-Committees

Killeen Volunteers Inc.

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Brockley Moore	Outgoing Council Member	Debbie Nash-King	Sub-Committee Member

Senior Citizen Advisory Board

Current Member	Status	New Member	Comments
Jonathan Okray		Jonathan Okray	Sub-Committee Member
Shirley Fleming		Shirley Fleming	Sub-Committee Member

Bell County Health District

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Sub-Committee Member
Brockley Moore	Outgoing Council Member	Steve Harris	Sub-Committee Member

Ad-hoc Committees

Water/Sewer/Drainage Committee

Current Member	Status	New Member	Comments
Dick Young	Outgoing Council Member	Shirley Fleming	Chair - Elected Official
Jim Kilpatrick		Jim Kilpatrick	Elected Official
Shirley Fleming	Became Chair	Debbie Nash-King	Elected Official
Joel Steine		Joel Steine	Citizen Rep
Reginald Cole		Reginald Cole	Citizen Rep
Otis Evans		Otis Evans	Citizen Rep
Jack Ralston		Jack Ralston	Citizen Rep - Alternate

Downtown Development Committee

Current Member	Status	New Member	Comments
Juan Rivera		Juan Rivera	Chair - Elected Official
Gregory Johnson		Gregory Johnson	Elected Official
Brockley Moore	Outgoing Council Member	Shirley Fleming	Elected Official
Analuisa Carrillo-Tapia		Analuisa Carrillo-Tapia	Citizen Rep
Tim Hancock		Tim Hancock	Citizen Rep
Anita Wilson		Anita Wilson	Citizen Rep
Gwendolyn Caviness		Gwendolyn Caviness	Citizen Rep - Alternate

Ad-hoc Committees

Transportation Committee

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Chair - Elected Official
Jonathan Okray		Jonathan Okray	Elected Official
Juan Rivera		Juan Rivera	Elected Official
Tyler Price		Tyler Price	Citizen Rep
Ursula Rushing		Ursula Rushing	Citizen Rep
Miguel Diaz Jr.		Miguel Diaz Jr.	Citizen Rep
John Driver Sr.		John Driver Sr.	Citizen Rep - Alternate

Ad-hoc Committees

Solid Waste Outsourcing

Current Member	Status	New Member	Comments
Dick Young	Outgoing Council Member		Chair - Elected Official
Shirley Fleming		Shirley Fleming	Elected Official
Brockley Moore	Outgoing Council Member		Elected Official

Audit Advisory Committee

Current Member	Status	New Member	Comments
Jim Kilpatrick		Jim Kilpatrick	Chair - Elected Official
Dick Young	Outgoing Council Member		Elected Official
Shirley Fleming		Shirley Fleming	Elected Official



City of Killeen

Legislation Details

File #: RS-17-055 **Version:** 1 **Name:** Purchase contracts for street materials
Type: Resolution **Status:** Resolutions
File created: 5/22/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the award of Bid No. 17-12 for concrete, street materials, top soil, and slurry seal services.
Sponsors: Public Works Department, Transportation Division, Streets
Indexes: Concrete Bid, Street Material
Code sections:
Attachments: [Staff Report](#)
[Bid Tabulation](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: June 06, 2017

TO: Ronald L. Olson, City Manager

FROM: David Olson, Executive Director of Public Works

SUBJECT: Authorize the award of purchase contracts to Killeen Ready Mix, CrafcO, Oldcastle Materials - Wheeler, Killeen Crushed Stone, Viking Construction, and DIJ Construction for Concrete, Street Materials, Top Soil, and Slurry Seal Services, Bid 17-12

BACKGROUND AND FINDINGS:

On May 03, 2017, at 2:15pm, bids were opened and read aloud for the procurement of the City's estimated annual requirements of concrete, street materials, top soil, rock, and slurry seal services. These items include Concrete, Sac Grout, Bedding material, Thermoplastic, Crack Seal, Slurry Seal Services, Type D Asphalt, Type C Asphalt, 1.5 Asphalt Overlay, Cold mix Asphalt, Top Soil, Base Material, and Rip Rap Rock. The City's various departments and divisions utilize these materials in a variety of different applications, including construction and repair of roadways, parking areas, etc. The City's previous material contracts have all expired.

Eight (8) vendors submitted bids: Maxwell Products, Killeen Ready Mix, CrafcO, International Slurry Services Inc., Oldcastle Materials-Wheeler, Killeen Crushed Stone, Viking Construction, and D.I.J. Construction. Bidders were instructed to bid items based upon an estimated annual need per item.

The lowest responsive and responsible bidder for each item is outlined below:

ITEM	MOST RESPONSIBLE BIDDER	BID PRICE
Concrete 3,000 PSI	Killeen Ready Mix	100.00
Concrete 3,000 PSI plus 2% Calcium	Killeen Ready Mix	106.50
Concrete 4,000 PSI	Killeen Ready Mix	110.00
8 Sac Grout	Killeen Ready Mix	130.00
Bedding Material 3/8F - Plant	Killeen Crushed Stone	14.50
Bedding Material 3/8F - Destination	Killeen Crushed Stone	20.00
Bedding Material 1/2D - Plant	Killeen Crushed Stone	14.50
Bedding Material 1/2D - Destination	Killeen Crushed Stone	20.00
Bedding Material 1D - Plant	Killeen Crushed Stone	14.50
Bedding Material 1D - Destination	Killeen Crushed Stone	20.00
Thermoplastic - White	DIJ Construction	0.62
Thermoplastic - Yellow	DIJ Construction	0.62
Thermoplastic - Black	DIJ Construction	0.60
Crack Seal Material - Polyflex III	CrafcO	0.38

Slurry Seal Services 25lbs	Viking Construction	2.69
Slurry Seal Services 18lbs	Viking Construction	2.46
Type D Asphalt - Plant	Oldcastle _ Wheeler	63.00
Type C Asphalt - Plant	Oldcastle - Wheeler	63.00
1.5 Asphalt Overlay	Oldcastle - Wheeler	13.00
Cold Mix Asphalt	Oldcastle - Wheeler	70.00
Quality Sandy Loam Top Soil - Plant	Killeen Crushed Stone	10.00
Quality Sandy Loam Top Soil - Destination	Killeen Crushed Stone	15.00
Base Material - Plant	Killeen Crushed Stone	4.95
Base Material - Destination	Killeen Crushed Stone	10.50
Rip Rap 18-24" - Plant	Killeen Crushed Stone	23.00
Rip Rap 18-24" - Destination	Killeen Crushed Stone	31.00
Rip Rap 12-18" - Plant	Killeen Crushed Stone	23.00
Rip Rap 12-18" - Destination	Killeen Crushed Stone	30.00
Rip Rap 8-12" - Plant	Killeen Crushed Stone	10.50
Rip Rap 8-12" Medium - Destination	Killeen Crushed Stone	16.00
Rip Rap 3-5" Plant	NO BID	
Rip Rap 3-5" - Destination	NO BID	

The bid solicitation also provided that if the current bidder(s) cannot fulfill an order, the City will then purchase from other area vendors that have available material that meet specification. Due to fluctuating market conditions of the materials, the bid solicitation requires that bidder's prices remain fixed during the first twelve (12) months of the contract. The contract term for this award is for a term of one (1) year with the option to extend the same for four (4) additional six (6) month periods, if agreed to by both parties.

THE ALTERNATIVES CONSIDERED:

Due to the amounts of materials exceeding the \$50,000.00 purchasing limit, there are no other alternatives for purchase of listed material.

CONFORMITY TO CITY POLICY:

Purchase amounts of \$50,000.00 or more triggers the competitive procurement process. This method is used when the requirements are clearly defined, negotiations are not necessary, and price / best value are the major determining factor for selection. This is required per State Law and the City of Killeen's Purchasing Policy.

FINANCIAL IMPACT:

Estimated expenditure for item/service/ project spanning several fiscal years: \$4,155,215.00.

Projected estimate expenditures are utilized for the City to obtain the best rate per unit pricing and can cover numerous city departments and numerous fiscal years, actual cost per fiscal year for each Department will significantly lower and will not exceed Departmental budgets. The City cannot determine the amounts per fiscal year, as these are based off of current budget, project sizes, and emergency responses per Department.

The funding for this action will be available as budgeted in the following accounts: 575-3445-434.42-90, Drainage Roadway; 550-3405-435.42-65, Water & Sewer; 010-3445-434.42-05, Walks & Drives; 575-3448-434.42-95, Ditches; 010-3445-434.42-65, Street Maintenance; and individual Departments as needed.

RECOMMENDATION:

City staff recommends that City Council award purchase contracts to Killeen Ready Mix, Crafc0, Oldcastle Materials-Wheeler, Killeen Crushed Stone, Viking Construction, and DIJ Construction for the purchase of various concrete, street materials, Top Soil, Rock, and Slurry Seal Services; authorize the City Manager to enter into a contract with the same, including the proposed extensions described; and finally, authorize the City Manager to execute any and all change orders in the amounts established by State and Local law.

DEPARTMENTAL CLEARANCES:

Legal
Finance
Purchasing
Public Works

ATTACHED SUPPORTING DOCUMENTS:

Bid Tabulation
Certificate of Interested Parties

Bid 17-12, Concrete, Street Materials, Topsoil, Rock, and Slurry Seal Services		Maxwell Products	Killeen Ready Mix	Crafco	International Slurry Seal Inc.	Oldcastle Materials - Wheeler	Killeen Crushed Stone	Viking Construction	DIJ Construction
Opening:May 03, 2017 @ 2:15 PM	Unit Price per cu yd/ extended price								
CONCRETE, 3,000 PSI	3,500 C.Y.		\$100.00				\$100.00		
CONCRETE, 3,000 PSI PLUS 2% CALCIUM	500 C.Y.		\$106.50				\$106.50		
CONCRETE, 4,000 PSI	325 C.Y.		\$110.00				\$110.00		
8 SAC GROUT	250 C.Y.		\$130.00				\$130.00		
BEDDING MATERIAL 3/8" F FOB PLANT FOB DESTINATION	1,000 TONS 1,000 TONS						\$14.50 \$20.00		
BEDDING MATERIAL 1/2" D FOB PLANT FOB DESTINATION	1,000 TONS 1,000 TONS						\$14.50 \$20.00		
BEDDING MATERIAL 1" D FOB PLANT FOB DESTINATION	1,000 TONS 1,000 TONS						\$14.50 \$20.00		
THERMOPLASTIC - WHITE	30,000 LBS.								\$0.62
THERMOPLASTIC - YELLOW	15,000 LBS.								\$0.62
THERMOPLASTIC - BLACK	8,000 LBS								\$0.60
CRACK SEAL MATERIAL - POLYFLEX III	68,000 LBS.	\$0.45		\$0.38					
SLURRY SEAL SERVICES	275,000S.Y.				\$3.36 \$2.96			\$2.69 \$2.46	
TYPE D ASPHALT FOB PLANT	25,000 TONS					\$63.00			
TYPE C ASPHALT FOB PLANT	1,500 TONS					\$63.00			

Bid 17-12, Concrete, Street Materials, Topsoil, Rock, and Slurry Seal Services		Maxwell	Killeen Ready Mix	Crafco	International Slurry Seal Inc.	Oldcastle Materials - Wheeler	Killeen Crushed Stone	Viking Construction	DIJ Construction
Opening: May 03, 2017 @ 2:15 PM	Unit Price per cu yd/ extended price								
1.5 ASPHALT OVERLAY	100,000 SY					\$13.00			
COLD MIX ASPHALT	2,500 TONS					\$70.00			
QUALITY SANDY LOAM TOPSOIL FOB DESTINATION FOB PLANT	4,000 TONS 10,000 TONS						\$15.00 \$10.00		
BASE MATERIAL FOB DESTINATION FOB PLANT	13,000 TONS 6,000 TONS						\$10.50 \$4.95		
RIP RAP 18-24 INCH FOB DESTINATION FOB PLANT	1,500 TONS 1,000 TONS						\$31.00 \$23.00		
RIP RACK 12-18 INCH FOB DESTINATION FOB PLANT	1,500 TONS 1,000 TONS						\$30.00 \$23.00		
RIP RAP 8-12 INCH MEDIUM FOB DESTINATION FOB PLANT	500 TONS 500 TONS						\$16.00 \$10.50		
RIP RAP 3-5 INCH FOB DESTINATION FOB PLANT	5,500 TONS 1,500 TONS								
NOTES / COMMENTS		1st delivery available 7 days after award	3 cy min. with max. of 2 different locations per truck	1st delivery 7 days after award		10 days after award	3cy min. with 2 job location per truck	30 days after award	2 days after award

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING**

Certificate Number:
2017-203429

Date Filed:
05/05/2017

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Killeen Crushed Stone
Killeen , TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
city of killeen

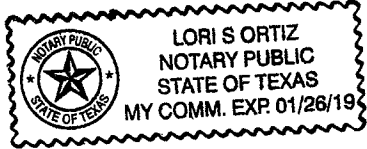
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
bid 17-12
Concrete, Street materials, Topsoil, Rock

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Jayson Shatto
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Jayson Shatto, this the 5th day of May, 2017, to certify which, witness my hand and seal of office.

Lori S. Ortiz
Signature of officer administering oath

Lori S. Ortiz
Printed name of officer administering oath

Notary Public
Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2017-203617

Date Filed:
05/08/2017

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Killeen Ready Mix
Killeen, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City Of Killeen

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Bid # 17-12
Concrete

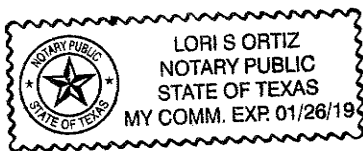
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Dickie R. King
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Dickie R King, this the 8th day of May, 2017, to certify which, witness my hand and seal of office.

Lori S. Ortiz
Signature of officer administering oath

Lori S. Ortiz
Printed name of officer administering oath

Notary Public
Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Crafco, Inc.
Chandler, AZ United States

Certificate Number:
2017-203374

Date Filed:
05/05/2017

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
City of Killeen, Texas

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

17-12
Crack Seal

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Jim Chehovits

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Jim Chehovits, this the 8th day of May, 2017, to certify which, witness my hand and seal of office.

Angie Hoaglin

Signature of officer administering oath

Angie Hoaglin

Printed name of officer administering oath

Sales Administrator

Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
 CERTIFICATION OF FILING**

Certificate Number:
 2017-206440

Date Filed:
 05/11/2017

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Viking Construction, Inc
 GEORGETOWN, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Killeen

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

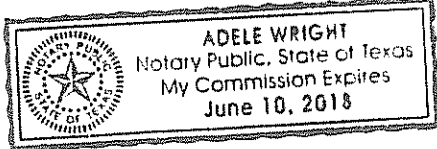
Bid 17-12
 Concrete Streets, streets materials, top soil, rock and slurry seal services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Dunn, Barry H	GEORGETOWN, TX United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Barry H. Dunn
 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Barry H. Dunn, this the 11 day of May, 2017, to certify which, witness my hand and seal of office.

A Wright Signature of officer administering oath
Adele Wright Printed name of officer administering oath
Controller Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
 2017-203435

Date Filed:
 05/05/2017

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

D.I.J. Construction, Inc.
 Bertram, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Killeen

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

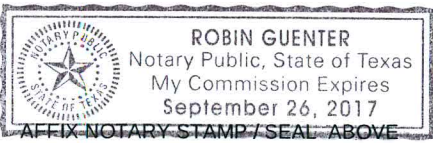
Bid 17-12
 Thermoplastic

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Floyd, Evan	Bertram, TX United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



[Handwritten Signature]
 Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Evan Floyd, this the 5 day of May, 2017, to certify which, witness my hand and seal of office.

[Handwritten Signature]
 Signature of officer administering oath

Robin Guenter
 Printed name of officer administering oath

Admin. Assist.
 Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2017-212904

Date Filed:
05/24/2017

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Oldcastle Materials - Wheeler
Belton, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Oldcastle Materials - Wheeler

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

17-12
asphalt paving

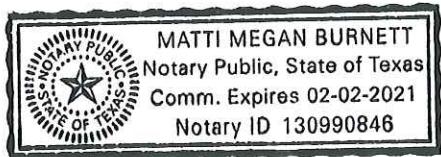
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	<i>MA</i>			

5 Check only if there is NO Interested Party.



6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



AFFIX NOTARY STAMP / SEAL ABOVE

[Signature]
Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Kris Bauer, this the 24 day of May, 2017, to certify which, witness my hand and seal of office.

[Signature]
Signature of officer administering oath

Matti M. Burnett
Printed name of officer administering oath

Notary
Title of officer administering oath



CONCRETE, STREET MATERIALS, TOP SOIL, AND SLURRY SERVICES

RS-17-055

June 6, 2017

Background and Conclusion

- ❑ Bids were opened and read aloud for the procurement of the City's estimated annual requirements of Concrete, Street Materials, Top Soil, Rock, and Slurry Seal Services.
- ❑ The City's various Departments and Divisions utilize these materials in a variety of different applications, including construction, repair of roadways, parking areas, water mains, etc...
- ❑ Bid solicitations require that bidder's prices remain fixed during the twelve (12) month contract and there is an option to extend the same for four (4) additional six (6) month periods, if agreed by both parties.
- ❑ Projected expenditures are utilized for the City to obtain the best rate per unit pricing and can cover numerous City Departments and numerous Fiscal Years, actual cost per Fiscal Year for each Department will significantly lower and will not exceed Departmental budgets. The City cannot determine the amounts per Fiscal Year, as these are based off of current budget, project sizes, and emergency responses per Department.
- ❑ Funds available as budgeted in 575-3445-434.4290 – Drainage Roadway, 550-3405-435.42-65 – Water & Sewer, 010-3445-434.42-05 – Streets Walks & Drives, 575-3448-434.42-95 – Drainage Ditches, 010-3445-434.42-65 Street Maintenance, and also includes funds from individual Departments as needed.

Recommendation

- Staff recommends award of purchase contracts to Killeen Ready Mix, Crafcoc, Oldcastle Materials – Wheeler, Killeen Crushed Stone, Viking Construction, and DIJ Construction for purchase of the various Concrete, Streets Materials, Top Soil, and Slurry Seal Services.
- Authorize the City Manager to enter into contracts with the same, including proposed extensions as described.
- Authorize City Manager to execute any and all change orders.



City of Killeen

Legislation Details

File #: RS-17-056 **Version:** 1 **Name:** PFC Application #10-GRK
Type: Resolution **Status:** Resolutions
File created: 5/2/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the submission of a Passenger Facility Charge (PFC) application to the Federal Aviation Administration (FAA).
Sponsors: Aviation Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Public Notice](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: May 1, 2017

TO: Ronald L. Olson, City Manager

FROM: Matthew Van Valkenburgh A.A.E., Executive Director of Aviation

SUBJECT: PASSENGER FACILITY CHARGE (PFC) APPLICATION

BACKGROUND AND FINDINGS:

14 CFR Part 158 establishes procedures which allow airports to apply for approval to impose (collect) Passenger Facility Charges (PFC) from enplaned passengers and use those revenues for eligible capital improvement projects. PFC revenues are then used to fund either the full cost of eligible projects or to satisfy the sponsor's match requirement for FAA Airport Improvement Program (AIP) grants. The Killeen Fort Hood Regional Airport (KFHRA) has an existing PFC; however, the authorized impose and use amount of that application is nearing its expiration and a new application is necessary to fund required projects and continue the program.

Killeen has participated in the PFC program and has received PFC funds at Killeen Municipal Airport and, later, KFHRA continuously since 1992 and has had a collection rate of \$4.50 per passenger since May 2001, shortly after the Federal regulation changed to allow that rate. This critical airport capital improvement funding program significantly contributed towards the original construction of the KFHRA and several subsequent capital improvements: the ramp and taxiways supporting commercial operations, the state-of-the-art security system, the wildlife hazard reduction equipment, and, the airport master plan.

The PFC fees are collected by the airline that sells the ticket for the leg of the flight departing from Killeen Fort Hood Regional Airport as part of the ticket charge. The airline is allowed to retain a \$0.11 handling fee and then forwards a check for \$4.39 per passenger directly to the airport. These revenues are deposited into a restricted account that can only be used for the specific projects that were approved by the FAA in the application.

The process for submitting a PFC application begins with coordination with the FAA, notifying and then consulting with air carriers serving the Airport, notifying the public, and, following a thirty (30) day comment period, submission of the final application to the FAA.

Aviation Staff began the formal process for a new PFC application on March 1, 2017, with notification to the airlines which serve Killeen of the City's intent to impose and use PFCs for projects at Killeen Fort Hood Regional Airport / Robert Gray Army Airfield. A consultation meeting with the airlines was conducted on April 6, 2017; public notice of the City's intent to impose and use PFCs was published in the Killeen Daily Herald and posted on the City's and Airport's web site inviting comments on the proposal on April 11, 2017. A copy of the Public Notice is attached. The airlines fully endorsed the application projects, and no public comments were received at the end of the comment period on May 12, 2017.

The proposed charge effective date for this application is October 1, 2017 (the same date as expiration of the current application) with an estimated expiration date of July 1, 2020. The request is to collect a total of \$1,540,000 at the rate of \$4.50 per enplaned passenger, which is the same rate as our existing PFC.

Projects intended to be funded in the application either wholly or in part are as follows:

Table 1. PFC Project List

Project	PFC	Total Project Cost
Terminal Building Improvements - Boarding Bridge Replacement	\$ 660,000	\$ 6,600,000
Flight Information & Common Use System Upgrades	\$ 750,000	\$ 750,000
Airport Ramp Rehabilitation	\$ 50,000	\$ 500,000
Rehabilitate Airfield Electrical/Lighting Vault - Engineering Analysis	\$ 40,000	\$ 40,000
Administrative Expenses	\$ 40,000	\$ 40,000
Total	\$ 1,540,000	\$ 7,930,000

All capital projects included in this application are for replacement or upgrade of current equipment / systems. Completion of these projects is expected to reduce current operational costs for maintaining those items. No new maintenance or operational expense requirements are created. A more detailed description of each project and the need for each project is provided in the Public Notice, a copy of which is attached to this staff report.

City Council approval of this PFC application does not in itself imply approval to proceed with the expenditure of funds on any of the listed projects. Staff will request appropriate City budget approval and/or contract approval, as applicable, prior to the initiation of each project. Assuming FAA approval of this application, the amounts indicated in Table 1 are the maximum amount that may be expended from PFC funds for each project unless the application is subsequently amended per 14 CFR Part 158.

THE ALTERNATIVES CONSIDERED:

Staff considered two alternatives concerning the PFC program. Those alternatives are:

1. Request to collect \$4.50 per enplaned passenger to fund authorized projects; and
2. Decline to use the PFC program and use other local funds to match FAA grants and to fully fund other capital projects.

Which alternative is recommended? Why?

Staff recommends Alternative 1 and continuation of the PFC program at the collection rate of \$4.50 per enplaned passenger. Approval of this application positions the Airport for continued success, replaces aging equipment expensive to repair and operate, provides needed ramp rehabilitation, and solidifies the City's joint-use operations with Fort Hood.

Alternative 2 (declining the application) would result in the loss of \$6,390,000 in available FAA Airport Improvement Program grants for the ramp rehabilitation and boarding bridge replacement; other sources of revenue would need to be identified to match these grants. It will also result in an inability to complete critical airport capital projects which are intended to decrease existing operating costs while increasing reliability and safety of airport infrastructure.

CONFORMITY TO CITY POLICY:

This application and the projects within support several City strategic plan goals:

Goal 2. Preserving, Enhancing and Leveraging Partnership with Fort Hood

Enhance the working relationship with Fort Hood as the model for military-civilian partnership. The analysis of the east airfield electrical / lighting vault will identify deficiencies and determine the scope of the rehabilitation to ensure both civil and military aircraft have adequate airfield lighting to complete their missions

Goal 3. Safety and Security

Remain current with technology to improve effectiveness and efficiency of services.

- Rehabilitating the ramp will ensure a safe operating environment for civil aircraft for the next ten (10) years.
- The flight information and common use upgrades help to provide information to customers.

Goal 5. Improved Efficient and Effective Transportation Systems

Expand air service to the area.

- The flight information system and common use upgrades eliminate barriers to existing carriers and new entrants by reducing their costs to establish and maintain infrastructure.
- The new passenger boarding bridges improve the airport's ability to provide service to our airline partners and will provide the latest energy and operating efficiencies to the airport, lowering operating and maintenance costs.

Goal 6. Preserve and Promote a Positive City Image

Maintain quality public facilities.

- The ramp rehabilitation, passenger boarding bridges, and flight information / common use systems all improve the quality of public facilities providing the best in safety, convenience, and service to the customer.

Increase customer service levels for internal and external customers.

- These improvements will provide significant upgrades and safety in the operating environment for our existing airport tenants.

Goal 8. Targeted Economic Development

Expand economic opportunities for the airport

- The reduction of economic barriers with flight information / common use system upgrades give the airport an important talking point and bargaining point with airlines during air service development discussions and negotiations.

Goal 10. Sound Infrastructure

- Improving the boarding bridges and flight information / common use systems will ensure safe, secure, and sound infrastructure for the airport.
- Rehabilitation of the ramp will provide a safe operating environment for personnel and aircraft.

FINANCIAL IMPACT:

The total impact to the airport operating fund is net zero. This is a restricted use fund that can only be used for the projects and amounts approved in the application. This PFC application will span approximately two years and nine months through July 2020 to collect the proposed amount of \$1,540,000; the PFC fees are deposited in account number 529-0000-325.05-00 PASSENGER FACILITY CHARGE.

What is the amount of the expenditure in the current fiscal year? For future years?

Exact project costs for each year are difficult to determine due to the complexity of the projects. However, FY2017 estimates from this account are \$270,000; FY 2018 estimates are \$1,200,000.

Is this a one-time or recurring expenditure?

The specific projects authorized by this application are one-time capital expenses spread over length of project construction and/or design duration.

Is this expenditure budgeted?

Yes; PFC expenditures and revenues are budgeted each year in the 529 account.

If not, where will the money come from?

N/A.

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes.

RECOMMENDATION:

City Council authorize the collection and use of up to \$1,540,000 in passenger facility charges at the rate of \$4.50 per enplaned passenger for the projects identified in Table 1 and authorize the Executive Director of Aviation to submit the Passenger Facility Charge application documents to the FAA to obtain FAA approval for said collection and use.

DEPARTMENTAL CLEARANCES:

Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Public Notice

Presentation

PUBLIC NOTICE

Notice is hereby provided in accordance with 14 CFR 158.24 of the City of Killeen's intent to impose and use Passenger Facility Charges (PFC) from passengers enplaning on Air Carrier flights from Killeen-Fort Hood Regional Airport at Robert Gray Army Airfield. PFC revenues will be used for the funding of airport improvement projects at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield (GRK), either wholly or in part as follows:

Project 1. Terminal Building Improvements–Boarding Bridge Replacement

This project will complete the design and construction for the replacement of passenger boarding bridges (PBB) at gates 2, 3, 4, and 5, and the improvements to PBBs 1 and 6, per the results of the preliminary engineering review (PER) completed in 2016.

Phase 1. This phase of the project will complete the design, prepare engineering, bid and construction documents, and provide bidding services for procurement of replacement passenger boarding bridges.

Phase 2. This phase includes procurement, construction, and all infrastructure work to install passenger boarding bridges (PBB) at gates 2, 3, 4, and 5 as detailed in the preliminary engineering report. The project will have several elements including procurement, demolition, construction, and closeout. The procurement element includes the bid and purchase of the required PBBs; the demolition element will include the removal and disposal of the PBBs to be replaced; the construction element will include the installation of the new PBBs including apron, terminal, and infrastructure modifications; and the final element will be project closeout. This construction element also includes improvements to PBBs at gates 1 and 6 which include the addition of valet bag equipment, security enhancements, HVAC improvements, and ground safety features. Construction administration and project management services are included in this phase of the project.

Background. The KFHRA was opened for commercial service in August 2004 with four (4) operational gates with respective passenger boarding bridges (PBB). The PBBs chosen to provide service to the customers were radial bridges manufactured by Dew Company. These bridges have served the Airport, the airlines, and the customer well in the thirteen years hence; however, those bridges are now experiencing major mechanical and maintenance issues despite the rigorous preventative maintenance programs applied by the Airport. Dew Company no longer manufactures these bridges, nor provides support for the bridges; in fact, the company has gone out of business. Given the paucity of parts and maintenance support, the high maintenance costs incurred to sustain the bridges, and the increasing down times of the bridges when parts or systems fail, a change in PBB for the Airport is prudent. By replacing the original four (4) Dew PBBs, KFHRA anticipates increased operational efficiency and effectiveness, decreased bridge down time, and decreased annual maintenance costs. New bridges will have fewer maintenance and repair requirements, thus allowing both time and financial commitments to be utilized on other aspects of our facility. Following installation of the new bridges, maintenance and warranty commitments will be

supported by the manufacturer; the availability of OEM parts and experienced technicians is expected to reduce the cost of parts and labor. Increased availability is expected to reduce gate down time thereby increasing operational efficiency and capability, and reducing the opportunity for airline conflicts and schedule delays. This project will procure new PBBs to replace the four (4) Dew bridges to ensure operational readiness, decrease bridge down time, and decrease annual maintenance costs

PFC level: \$4.50

Total PFC revenue to be used for this project: \$660,000

Project 2. Flight Information & Common Use System Upgrades

This project will implement strategy using state-of-the-art technology and proven project management methodology to fulfill KFHRA's passenger processing and flight information needs. The systems will be modular for optimum flexibility; scalable to provide growth and business opportunity (to eliminate barriers to airline competition and reduce airline costs); open architecture; and take advantage of commercial-off-the-shelf equipment. These systems are out-dated and not compatible with current Windows operating system. This upgrade will enable the airport and airlines to better utilize and manage resources, enhance the passenger experience, reduce costs, and optimize revenue generation. The goal of the project is to provide a system which permits the airport complete flexibility to assign airlines to any ticket counter, check-in counter, or departure gate to meet the needs of the airport dependent upon demand or maintenance requirements.

PFC level: \$4.50

Total PFC revenue to be used for this project: \$750,000

Project 3. Airport Ramp Rehabilitation

This project includes terminal apron panel repair / replacement, joint seal material replacement on the concrete pavements, spall and crack repair, and repair of drainage components associated with the ramp. The existing ramp is fourteen (14) years old and has joint-seal issues that, if not repaired, have the potential to cause significant problems in the base material of the apron which could lead to concrete panel failure. This project will repair deficient apron areas, thus extending the life of the apron and prevent future concrete panel failures.

PFC level: \$4.50

Total PFC revenue to be used for this project: \$50,000

Project 4. Airfield Electrical Vault Rehabilitation—Engineering Analysis

This project is the engineering analysis for the rehabilitation of the east airfield electrical vault which provides all power for civil movement and non-movement areas including taxiways B, B3, D, E, G, and the KFHRA terminal apron. The engineering analysis will evaluate the existing equipment and infrastructure to determine its adequacy to continue to support civil aviation operations. The analysis will evaluate the current structural condition of the facility, regulators, emergency generator and transfer switches, HVAC requirements, and components within the vault. The result of the

analysis will provide the foundation for a future vault rehabilitation project. This electric vault is the source of power for the taxiways on the east side of GRK and the KFHR terminal ramp supporting commercial flight operations to the Airport. The vault is forty (40) years old and has experienced electrical issues in the past. The lack of reliability combined with the age dictates the need for the engineering analysis to evaluate the facility condition.

PFC level: \$4.50

Total PFC revenue to be used for this project: \$40,000

Project 5. Administration Expenses

This element comprises PFC eligible costs associated with the application. It includes application development, potential amendment, and close-out costs; legal fees; advertising fees; independent fee estimates; sponsor costs; audit, and other project-associated fees. Administrative support costs associated with preparation of PFC applications, maintenance of PFC records and close out costs are eligible for use of PFC revenue per 14 CFR 158.13(b). An annual audit of PFC records by an accredited independent public accountant is required per 14 CFR Part 158.67(c).

PFC level: \$4.50

Total PFC revenue to be used for this project: \$40,000

Proposed charge effective date: October 1, 2017

Estimated charge expiration date: June 30, 2020

Total estimated PFC revenue to be collected for this application: \$1,540,000

Written comments concerning this notice of intent must be mailed or delivered to Mr. Matt Van Valkenburgh, A.A.E., Executive Director of Aviation, 8101 Clear Creek Rd, Box C, Killeen, Texas 76549. Comments must arrive in the office of the Director of Aviation no later than 5:00 PM, May 12, 2017 to be considered.



PASSENGER FACILITY CHARGE APPLICATION

RS-17-056

June 6, 2017

PFC

2

- Passenger Facility Charge program started in 1992 at Killeen Municipal Airport
- Continuous collection since 1992
- Not a “new” fee
- Independent of airline ticket pricing

PFC

3

- Nine (9) PFC applications have been approved for Killeen since 1992
 - ▣ KFHRA terminal building
 - ▣ Ramp and taxiway development
 - ▣ Airport security system
 - ▣ Airport master plan

- Total Collections - \$1 1,653,876

- Can be used for 10% match on FAA AIP grants or fund 100% of eligible capital projects

PFC Projects in Application 10

4

<u>Project</u>	<u>PFC</u>	<u>Project Cost</u>
Terminal Building Improvements – Boarding Bridge Replacement	\$ 660,000	\$ 6,600,000
Flight Information & Common Use System Upgrades	\$ 750,000	\$ 750,000
Airport Ramp Rehabilitation	\$ 50,000	\$ 500,000
Rehabilitate Airfield Electrical/Lighting Vault – Engineering Analysis	\$ 40,000	\$ 40,000
Administrative Expenses	<u>\$ 40,000</u>	<u>\$ 40,000</u>
Total	\$1,540,000	\$ 7,930,000

PFC

5

- Alternatives Considered
 - ▣ 1. Proceed with new PFC application to continue PFC collections and to continue funding upgraded Airport infrastructure
 - ▣ 2. Allow PFC Program to expire – no new application

- Staff recommends alternative No. 1
 - ▣ Provides matching funding to leverage \$6,390,000 in FAA AIP grants
 - ▣ Positions Airport for success; replaces aging equipment expensive to maintain; provides needed ramp rehabilitation; solidifies City's joint-use operations/partnership with Fort Hood

Texas Airports Utilizing PFC at \$4.50 Level

- ▣ Abilene Regional
- ▣ Amarillo International/Rick Husband
- ▣ Austin-Bergstrom International
- ▣ Beaumont-Jacks Brooks Regional
- ▣ Brownsville-South Padre Island International
- ▣ College Station-Easterwood Field
- ▣ Corpus Christi International
- ▣ Dallas Love Field
- ▣ Dallas/Ft. Worth International
- ▣ Del Rio International
- ▣ El Paso International
- ▣ Harlingen-Valley International
- ▣ Houston-William P. Hobby
- ▣ Houston-George Bush Intercontinental
- ▣ Killeen-Fort Hood Regional Airport
- ▣ Laredo International
- ▣ Longview-East Texas Regional
- ▣ Lubbock/Preston Smith International
- ▣ McAllen Miller International
- ▣ Midland International
- ▣ San Angelo Regional/Mathis Field
- ▣ San Antonio International
- ▣ Tyler Pounds Regional
- ▣ Victoria Regional
- ▣ Waco Regional
- ▣ Wichita Falls Municipal/Sheppard AFB

RECOMMENDATION

7

- Authorize the Executive Director of Aviation to submit Passenger Facility Charge application #10 to the FAA to provide for continuation of PFC collections at the rate of \$4.50 per enplaned passenger for the purpose of funding the projects indicated in the application



City of Killeen

Legislation Details

File #: RS-17-057 **Version:** 1 **Name:** Turnout Gear
Type: Resolution **Status:** Resolutions
File created: 4/21/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the purchase of turnout gear for the Fire Department.
Sponsors: Fire Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Quote](#)
[Lion PPE Letter](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: May 16, 2017
TO: Ronald L. Olson, City Manager
FROM: Brian Brank, Fire Department
SUBJECT: Purchase of Turnout Gear

BACKGROUND AND FINDINGS:

Turnout gear is the protective ensemble worn by firefighters. It typically consists of the following garments: coat, trousers, boots, helmet, hood, and gloves. These items help protect firefighters in environments immediately dangerous to life or health. The fire department must replace turnout gear that is damaged and cannot be repaired. Additionally, National Fire Protection Association regulation 1851 establishes a usable lifespan for turnout gear of no more than ten years. As a result of these factors, the fire department has a need to purchase 46 sets of coats and trousers. The purchase of these garments will ensure that each fire rescue officer has a complete protective ensemble. After selecting our specification, we explored the State Cooperative programs utilized by the City of Killeen. The North American Fire Equipment Company's quotation through TASB BuyBoard was found to be the least costly option for this purchase, offering a thirty-one percent discount off the list price.

THE ALTERNATIVES CONSIDERED:

1. Do not purchase turnout gear: This would leave us unable to provide adequate personal protective garment to firefighters.
2. Invitation to Bid: The fire department performed a wear test to compare the performance of various types of turnout gear. We selected our preferred gear based on the results of this test. This turnout gear is available through only one vendor in our area, Lion PPE.

Which alternative is recommended?

Purchase 46 sets of turnout coats and trousers through TASB BuyBoard.

CONFORMITY TO CITY POLICY:

The City of Killeen is a member of the TASB Buy Board purchasing cooperative. This cooperative is in compliance with Texas Local Government Code section 252.022 and satisfies the City's legal requirement to competitively bid this purchase. The purchase of turnout gear will be made through the TASB Buy Board purchasing cooperative on contract number 524-17.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This request is for the purchase of 46 sets of turnout coats and trousers. The total cost for this purchase is \$91,234.10.

Is this a one-time or recurring expenditure?

This is a one-time purchase for this budget year. We will need to purchase additional turnout gear in FY 18. Our future purchase needs will be dictated by the number and types of garments that are damaged beyond repair or nearing expiration.

Is this expenditure budgeted?

Yes, it is budgeted in account 010-7070-442.41-20. Currently, there is approximately \$194, 000 in this account including \$103,480 in unencumbered funds and \$91,000 in remaining balances on purchase orders.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes

RECOMMENDATION:

Staff recommends that the City Council authorize the purchase of 46 sets of turnout coats and trousers in the amount of \$91,234.10.

DEPARTMENTAL CLEARANCES:

Fire, Legal, Purchasing, Finance

ATTACHED SUPPORTING DOCUMENTS:

Quote
Lion PPE Letter
Certificate of Interested Parties



NAFECO
 1515 West Moulton Street
 Decatur, AL 35601

Fax: 256-355-0852
 info@nafeco.com

QUOTE

Quote Number: 915371
Date: 4/07/17
Quote Expiration: NET 30

To: KIL045
 KILLEEN FIRE DEPT.
 201 N. 28TH ST.
 BUY BOARD CONTRACT (524-17)
 KILLEEN, TX 76541
 United States of America

F.O.B. Point: SHIPPING
Salesperson: Kirby Wilson Sr (TX)
Quote Prepared By: Becky Stewart

Qty.	U/M	Item No.	Description	Each	Amount
46	EA	CVFM/F-915371	V-FORCE COAT ARMOR AP KHAKI W/K-3 VENTED PSGQ# 16203-B	1090.98	50,185.08
46	EA	PVFM/F-915371	V-FORCE BELTED PANT ARMOR AP KHAKI W/K3 LINER PSGQ# 16203-B	892.37	41,049.02
			45 DYA DELIVERY ARO		
			QUOTE EXPIRES 12-31-17 BUY BOARD CONTRACT 524-17*		
				Sub-Total:	\$91,234.10
				Quote Total:	\$91,234.10

A copy of your tax-exempt certificate is needed at time of order.**

If you have any questions concerning this quote, please contact our office
Thank you for your business.

**Unless we have a copy of your tax-exempt certificate, sales tax will be charged.



March 29, 2017

Battalion Chief Clay Brooks
Captain Ethan Williams
Killeen Fire Department
Killeen, TX

Re: Turnout Gear

Dear BC Brooks and Cpt. Williams,

We appreciate your future support of Lion Personal Protective Equipment that will be purchased through our authorized dealer NAFECO (North American Fire Equipment CO.).

In the State of Texas Lion has two primary distributors with one located in the Panhandle providing services for far west Texas, Permian Basin and the Panhandle.

NAFECO (North American Fire Equipment Co.) is your soul-source for Lion PPE in the central Texas market and has company associates located in the central Texas area to provide the best service and greatest value in your Lion PPE purchases.

Thank you for your support of Lion PPE through our authorized distributor NAFECO (North American Fire Equipment Co.).

Regards,

Richard McClure
LION Regional PPE Specialist – AR, LA, OK & TX
rmcclure@lionprotects.com
Cell: 469-237-8574

Cc: Chris Parkinson
LION Regional Sales Manager – AR, LA, OK & TX
cparkinson@lionprotects.com

CERTIFICATE OF INTERESTED PARTIES

FORM 1295


1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.	OFFICE USE ONLY
1 Name of business entity filing form, and the city, state and country of the business entity's place of business. North America Fire Equipment Co., Inc. Decatur, AL United States	CERTIFICATION OF FILING
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed. The City of Killeen Fire Department, TX	Certificate Number: 2017-196270 Date Filed: 04/21/2017 Date Acknowledged:
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract. NAFECO Quote 915371 Personal Protective Equipment for Structural Firefighting (coats & pants)	

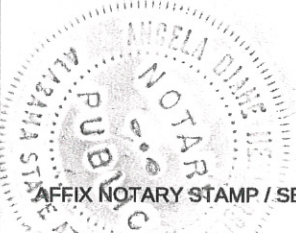
4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

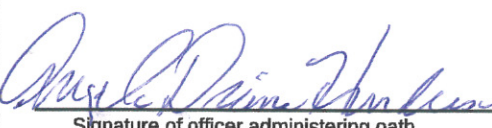


 Signature of authorized agent of contracting business entity



AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Ronald Woodall, this the 21st day of April, 2017, to certify which, witness my hand and seal of office.


 Angela Diane Henderson

 Signature of officer administering oath Printed name of officer administering oath Notary Public

Title of officer administering oath
 Expires: 7/15/18



FIRE FIGHTER TURNOUT GEAR

RS-17-057

June 6, 2017

Fire Fighter Turnout Gear

- Components: Helmet, Hood, Gloves, Boots, Trousers, Coat
- NFPA 1851 requires annual testing for safety performance
- Current Need: 46 sets of Trousers and Coats
- North American Fire Equipment Quote- through TASB BuyBoard was found to be the least costly option—31% discount off list price
- Alternatives:
 - Delay the Purchase
 - Partial Purchase
 - Purchase All Needed Replacement Sets

Fire Fighter Turnout Gear

- FY 16-17 Expenditure: \$91,234.10 (Budgeted in Account 010-7070-442.41-20
 - ▣ Current balance \$194,000----\$103,480 unencumbered
- Purchases for Future Years Dictated by numbers and types of garments that are damaged beyond repair or nearing expiration.
- Staff recommends that the City Council authorize the purchase of 46 sets of turnout coats and trousers in the amount of \$91,234.10.



City of Killeen

Legislation Details

File #: OR-17-008 **Version:** 1 **Name:** Atmos Energy Rate Review
Type: Ordinance **Status:** Ordinances
File created: 5/3/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy, Mid-Tex Division regarding the 2017 Rate Review Mechanism Filings.
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Ordinance](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: June 6, 2017

TO: Ronald L. Olson, City Manager

VIA: Kathy Davis, City Attorney

FROM: Traci Briggs, Deputy City Attorney

SUBJECT: A negotiated settlement between ACSC and Atmos for the 2017 Rate Review Mechanism filing

BACKGROUND AND FINDINGS:

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos"), is a member of the Atmos Cities Steering Committee ("ACSC"). The Rate Review Mechanism ("RRM") was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the statutory provision that allows Atmos to bypass the City's rate regulatory authority and increase its rates annually to recover capital investments.

On March 1, 2017, Atmos made an RRM filing requesting \$57.4 million in additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$46.4 million from other municipalities.

ACSC and Atmos have reached an agreement, reflected in the attached ordinance, to reduce Atmos's request by \$9.4 million, reflecting an increase of \$48 million on a system-wide basis, or \$38.8 million for Mid-Tex Cities, exclusive of the City of Dallas. If Atmos had used the GRIP process rather than the RRM process, it would receive a \$52.4 million increase, exclusive of Dallas.

The increase will be effective for bills issued on or after June 1, 2017. The monthly residential customer charge increases from \$19.10 to \$19.60, and the consumption charge increases from \$0.11 Ccf to \$0.14 Ccf. The monthly bill impact for the typical residential customer will be \$2.04, or about 3.87%. The monthly commercial customer charge increases from \$41.75 to \$44.70, and the consumption charge increases from \$0.08 Ccf to \$0.09 Ccf. The monthly bill impact for the typical commercial customer will be \$6.27, or about 2.37%. Industrial and transportation customers will see increases as well.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the ordinance with its attachments approving the negotiated rate settlement resolving the 2017 RRM filing, and implementing the rate change.

THE ALTERNATIVES CONSIDERED:

The two options with this settlement are to approve it, as recommended by the ACSC Executive Committee, or to disapprove the settlement. If disapproved, Atmos would likely initiate a contested case before the Railroad Commission. The city would have to defend the case at the Commission at its own expense, which would be costly and time consuming.

Which alternative is recommended? Why?

Staff recommends approving the settlement because it presents a reasonable settlement below the amount Atmos could have received under traditional ratemaking, and because defending a contested case proceeding before the Railroad Commission would be complicated and expensive.

CONFORMITY TO CITY POLICY:

This action is in compliance with city policies and state law.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

City residents and businesses that are Atmos consumers will see an increase in their monthly bills. The city is an Atmos commercial customer and will also see an increase in its monthly bills. The city has about 30 accounts and paid \$48,632.15 from various funds and accounts in fiscal year 2015-2016. Using the estimated 2.37% increase for commercial accounts, the increase to the city will be roughly \$384.15 for the remainder of this fiscal year and \$1,152.58 for future years.

Is this a one-time or recurring expenditure?

The increase will remain in place for all monthly bills generated after June 1, 2017.

Is this expenditure budgeted?

The increase for the fiscal year will be absorbed among the funds, and increases will need to be budgeted in the future.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes.

RECOMMENDATION:

Staff recommends that the City Council approve the negotiated settlement between ACSC and Atmos.

DEPARTMENTAL CLEARANCES:

Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2017 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING RECONCILIATION AND RATE ADJUSTMENTS IF FEDERAL INCOME TAX RATES CHANGE; TERMINATING THE RRM PROCESS FOR 2018 PENDING RENEGOTIATION OF RRM TERMS AND CONDITIONS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Killeen, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by

the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, on March 1, 2017, Atmos Mid-Tex filed its 2017 RRM rate request with ACSC Cities; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2017 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$48 million on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest;

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

WHEREAS, the Company and ACSC have agreed that rates should be adjusted if any change in federal income tax rates is implemented during the period that rates approved herein remain in place; and

WHEREAS, because ACSC believes that certain provisions of the current terms and conditions of the RRM tariff are inconsistent with market conditions, the City expects renegotiation of the current RRM tariff in the Summer of 2017.

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the settled amount of an increase in revenues of \$48 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2017 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$48 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

Section 4. That the ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment C, attached hereto and incorporated herein.

Section 5. Consistent with Texas Utilities Code Section 104.055(c), Atmos Energy's recovery of federal income tax expense through the Rider RRM has been computed using the statutory income tax rate. In the event that a change in the statutory income tax rate is implemented during the Rider RRM Rate Effective Date, Atmos Energy shall reconcile the difference between the amount of federal income tax expense included in the Rider RRM calculation for the Rate Effective Date with the amount of federal income tax expense authorized under the new statutory income tax rate. The reconciliation period shall be from the date on which any new statutory income tax rate is implemented through the Rate Effective Date. An

interest component calculated at the customer deposit interest rate then in effect as approved by the Railroad Commission of Texas shall be applied to the federal income tax expense reconciliation. Further, any required reconciliation of federal income tax expense shall be included as part of Atmos Mid-Tex's next annual RRM filing and shall be returned to or recovered from customers as a one-time credit or surcharge to the customer's bill.

Section 6. The City requires renegotiation of RRM tariff terms and conditions during the Summer of 2017. If an agreed renegotiated RRM tariff cannot be achieved, the City will terminate the RRM process and consider initiation of a traditional rate case to reduce the Company's authorized return on equity.

Section 7. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2017 RRM filing.

Section 8. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 9. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 11. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2017.

Section 12. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 13th day of June, 2017.

Jose L. Segarra
Mayor

ATTEST:

APPROVED AS TO FORM:

Dianna Barker
City Secretary

Kathryn H. Davis
City Attorney



NEGOTIATED SETTLEMENT BETWEEN ACSC AND ATMOS

OR-17-008

June 6, 2017

Background

2

- The City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities that reviews and responds to natural gas rates charged by Atmos.

- State law establishes the Gas Reliability Infrastructure Program (“GRIP”) as the mechanism for gas companies to recover costs for expanding/maintaining infrastructure.

- The Rate Review Mechanism (“RRM”) is an alternative process of reviewing rate requests by Atmos.
 - Agreed upon by ACSC and Atmos in 2007
 - Provides more flexibility in negotiating rate cases than statutory GRIP

2017 Rate Case

3

- Atmos filed a rate case on March 1, 2017
 - ▣ Requested \$46.4 million

- Negotiated Settlement
 - ▣ \$38.8

Average Increases

4

Customer Category	Current Customer Charge	Proposed Customer Charge	Current CcF Charge	Proposed CcF Charge	Typical Increase	Percentage
Residential	\$19.10	\$19.60	\$0.11	\$0.14	\$2.04	3.87%
Commercial	\$41.75	\$44.70	\$0.08	\$0.09	\$6.27	2.37%

Alternatives

5

□ **Approve the settlement**

- ▣ New rates become effective June 1, 2017

□ **Disapprove the settlement**

- ▣ Atmos most likely will appeal to the Railroad Commission, resulting in a contested case proceeding
- ▣ City would have to defend the case without the assistance of the ACSC
- ▣ No assurance the city could present a case that would result in a better or different settlement

Recommendation

6

- Staff recommends that Council approve the negotiated settlement with Atmos.



City of Killeen

Legislation Details

File #: OR-17-009 **Version:** 1 **Name:** Amending Chapter 31, Division 6, Tower Regulations
Type: Ordinance **Status:** Ordinances
File created: 5/2/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: Consider an ordinance amending City of Killeen Code of Ordinances Chapter 31, Division 6, Tower Regulations.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Ordinance](#)
[Minutes](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: May 16, 2017

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Exec. Dir. of Planning and Development Services

SUBJECT: **CONSIDER AN ORDINANCE AMENDING CITY OF KILLEEN CODE OF ORDINANCES CHAPTER 31, DIVISION 6, TOWER REGULATIONS**

BACKGROUND AND FINDINGS:

Staff has worked with the Planning and Zoning Commission (Commission) to create a draft ordinance that updates various sections of the City's existing tower regulations contained in Chapter 31, Division 6 of the Code of Ordinances. The Commission conducted multiple workshops between February and April regarding the possible amendments to the City's communication tower regulations and received feedback from industry analysts. A public hearing was conducted on the evening of May 1 regarding the proposed changes to Division 6, and no additional feedback was received. The draft ordinance identifies towers as an allowable use in the 'A' Agricultural District and the "M-1" Manufacturing District; provides for a 1:1 fall radius (setback) against residential properties; adds language regarding guy wires and support systems; and provides for the setback to be reduced to a minimum of fifty (50') feet if additional engineering specifications are satisfied. Additionally, the draft ordinance still allows for a Conditional Use Permit if towers do not meet the criteria contained in section 31-602 of the Code.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

At this time, no alternatives have been considered.

Why?

The purpose of the ordinance changes is to update city rules to reflect the changing technology involving tower construction and engineering standards.

CONFORMITY TO CITY POLICY:

This action conforms to City policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year?

This is not applicable.

For future years?

This is not applicable.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the proposed amendments to Chapter 31, Division 6, Tower Regulations by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

Legal Department

ATTACHED SUPPORTING DOCUMENTS:

Ordinance
Minutes

AN ORDINANCE AMENDING CHAPTER 31 AMENDING ARTICLE V, SUPPLEMENTAL REGULATIONS, DIVISION 6, TOWER REGULATIONS, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, REVISING TOWER REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

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

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

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

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

SECTION 1: That Chapter 31 of the Code of Ordinances of the City of Killeen is hereby amended revising Article II as follows:

Chapter 31

ZONING

ARTICLE V. – SUPPLEMENTAL REGULATIONS

Sec. 31-602. - Locations and limitations for towers and antennas without conditional use permits.

(a) Towers and antennas meeting applicable setback requirements in Sec. 31-605 may locate without a conditional use permit as follows:

(a1) Within heavy-agricultural ('A') and manufacturing districts (M-1 and M-2) if the tower height does not exceed one hundred twenty (120) feet or encroach into any restricted airspaces or zones and is located no closer than 120,000 feet from any property used or zoned for residential

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use. A guy wire or guy anchor and equipment enclosures for a facility must not be closer than 25 feet to any property used or zoned for residential use.

(b2) On the roof of any nonresidential and non-historic structure, within any zoning district, provided the tower does not raise the height of the building or structure more than ten (10) feet or does not measure more than ten feet above any roof parapet wall and does not encroach into any airspaces or zones.

(e3) On the vertical exterior of any nonresidential and non-historic structure, within any zoning district, provided the antenna or antenna support structure or equipment:

(1) Is mounted flush with the exterior of the structure or projects no more than 24 inches from the surface of the structure to which it is attached and does not raise the height of the structure more than ten (10) feet and that said projection is at least 15 feet above grade; and

(2) Is textured and colored so as to blend with the surrounding surface of the structure.

(d4) On city-owned properties and structures by city council approval. Location, design and other restrictions applicable to a tower on municipal property or facility are subject to approval by the city council, subject to the height restrictions within this section.

(eb) Citizen band and amateur radio towers may be constructed in any zoning district provided they do not exceed thirty-five feet in height and comply with all city codes and ordinances.

Sec. 31-603. - Location and limitations for towers with a conditional use permit.

(a) Any tower that does not comply with both subsection 31-602 and 31-605 may be constructed only upon approval of a conditional use permit as provided in section 31-456 of this chapter.

(b) Conditional use permits must be approved by the majority of the planning and zoning commission and then by the city council with a three-fourths affirmative vote. The city council may impose reasonable conditions and safeguards deemed appropriate to that application in order to protect the health, safety, and welfare of the public and protect property and property values.

Sec. 31-605. - Setback distance requirements of towers.

(a) ~~All towers located in a nonresidential zoned district~~ shall be located in such a manner that if the tower should fall along its longest dimension it will remain within the ~~owned or leased premises of the property owner boundaries of the service provider~~ and will avoid public streets and utility lines.

(b) In addition to the ~~setback~~ provisions of (a) above, ~~towers located on or adjacent to property used or zoned for residential use shall be set back one and one half (1½) times the height of the tower. A guy wire or guy anchor for a facility must not be closer than 25 feet to any property used or zoned for residential use.~~

~~(c) All distance measurements referred to in subsection (b) shall be the distance of a straight horizontal line from the center of the base of the tower to the closest property line of property used or zoned for residential use.~~

(dc) Property uses and distances referred to in this section shall be determined as of the date and time the tower permit application is approved.

(ed) Equipment enclosures shall be set back from property lines as prescribed for the district in which the enclosure is located or ten (10) feet, whichever is greater.

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(f) The setback required by this section for a telecommunication facility tower that is not adjacent to property used or zoned for residential use may shall be reduced to a minimum of fifty (50) feet if the tower will be designed with stress points within the structure and will fall within the reduced setback in case of major windloads, ice loads or a sustained windspeed of 130 mph, as determined by a licensed design engineer. The design engineer shall also certify that the tower will avoid public streets and utility lines.

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this ____ day of _____, 2017, 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:

APPROVED AS TO FORM:

Dianna Barker, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
MAY 1, 2017**

HOLD a public hearing and consider revisions to the Killeen Code of Ordinances, Chapter 31, Article V, Division 6, Tower Regulations. (First Public Hearing)

Chairman Frederick requested staff comments.

City Planner McIlwain briefed the commission on the proposed changes to the Killeen Code of Ordinances, Chapter 31, Article V, Division 6, Tower Regulations.

Chairman Frederick opened the public hearing.

Mr. Pedro Quintero, Quintero Engineering, L.L.C., 415 E. Avenue D, Killeen, Texas, spoke in reference to the changes.

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

Commissioner Cooper motioned to recommend approval of the revisions to the Killeen Code of Ordinances, Chapter 31, Article V, Division 6, Tower Regulations. Commissioner Purser seconded the motion. The motion passed by a vote of 6 to 0.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.



ORDINANCE

AMENDING CHAPTER 31, TOWER REGULATIONS

OR-17-009

June 6, 2017



ORDINANCE #OR-17-

- The Planning and Zoning Commission (Commission) conducted several workshops regarding the proposed amendments to the City's tower regulations
- The Commission conducted a public hearing on May 1st and no additional feedback was received
- The draft ordinance provides for towers as an allowable use within the City's Agricultural, manufacturing and Heavy Manufacturing zoning districts
- Reduces the fall radius to 1:1 against properties zoned or used for residential purposes

ORDINANCE #OR-17-

- ❑ Adds language regarding guy wires and support systems
- ❑ Provides for a reduced setback of up to 50' provided that certain engineering specifications are met
- ❑ Preserves the City's administrative process of CUP approval if a tower does not meet the provision of section 31-602 of the Code
- ❑ The Planning and Zoning recommends approval of the draft ordinance



City of Killeen

Legislation Details

File #: PH-17-027 **Version:** 1 **Name:** Zoning 17-13
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 4/26/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by Loma Vista Estates, a Texas partnership,(Case #Z17-13) to rezone Lots 7 and 8, Block 1, Loma Vista Estates Phase Three, from "B-5" (Business District) to "R-2" (Two Family Residential District). The properties are located at 2813 and 2814 Leroy Lane, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Aerial Map Exhibit](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)
[Response](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: May 16, 2017

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-13 "B-5" (BUSINESS DISTRICT) TO "R-2" (TWO FAMILY RESIDENTIAL DISTRICT)

BACKGROUND AND FINDINGS:

Loma Vista Estates, a Texas partnership, submits this request to rezone Lots 7 and 8, Block 1, Loma Vista Estates Phase Three, from "B-5" (Business District) to "R-2" (Two Family Residential District). The properties are locally known as 2813 and 2814 Leroy Lane, Killeen, Texas.

District Descriptions:

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

- (1) Any use permitted in district "R-1"
- (2) Two-family dwellings

Property Specifics

Applicant/Property Owner: Loma Vista Estates, a Texas partnership

Property Location: The properties are located at 2813 and 2814 Leroy Lane, Killeen, Texas.

Legal Description: Lots 7 and 8, Block 1, Loma Vista Estates Phase Three

Zoning/ Plat Case History:

- The properties were rezoned from "R-1" (Single-family Residential District) to "B-5" (Business District) on December 12, 1995, per Ordinance No. 95-94.
- The subject properties are platted as part of Loma Vista Estates Phase Three, which was filed for record on December 14, 2000, in Cabinet C, Slide 231-B, Plat Records, Bell County, Texas.

Character of the Area

Existing Land Use(s) on the Property: This properties are vacant and are located in a residential neighborhood.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See Attachment

Infrastructure and Community Facilities

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water and sewer infrastructure is immediately available to the property. The property owners and their 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: The property is accessed via Leroy Circle, which is classified as a 60' wide local street on the City's adopted Thoroughfare Plan.

Proposed Improvements: None at this time

Projected Traffic Generation: Two duplex units will generate 38 vehicle trips per day.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The properties range in elevation from 916 to 930 feet above sea level. The properties are part of a FEMA 2013 Letter of Map Revision (LOMR), which removed them from the floodplain. The properties are located south of the Trimmier Road Ditch.

Land Use Analysis

Land Use Plan: This area is designated as 'Four-plex Residential' (RQ) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The 'Four-plex Residential' (RQ) character encourages clusters of this type, with four units typically in two-story buildings as well as parks and public spaces.

Consistency: This zoning request is consistent with regard the FLUM designation of this property.

Public Notification

The staff notified seventeen (17) surrounding property owners within a 200' notification boundary regarding this request. Staff received a response from Ms. Raye Mayhorn, the owner of 2710 S. Fort Hood Street. Ms. Mayhorn's comments have been included for consideration.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative.

Why?

The "R-2" zoning represents a down-zoning of this parcel, while allowing a more restrictive residential housing type.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the city's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the applicant's request for "R-2" zoning by a vote of 4 to 0, with Commissioners Latham and Purser abstaining.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Aerial Map Exhibit
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations
Response

Figure 1. Zoning Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
MAY 1, 2017**

**CASE #Z17-13
B-5 to R-2**

HOLD a public hearing and consider a request submitted by Loma Vista Estates to rezone Lots 7 and 8, Block 1, Loma Vista Estates Phase Three, from “B-5” (Business District) to “R-2” (Two Family Residential District). The properties are locally known as 2813 and 2814 Leroy Lane, Killeen, Texas.

Commissioner Latham and Commissioner Purser stepped away from the dais due to a potential conflict of interest.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that at the time the properties were rezoned from “R-1” (Single-family Residential District) to “B-5” (Business District) on December 12, 1995, per Ordinance No. 95-94, residential uses were part of the zoning pyramid. This property is part of land included in a FEMA 2013 Letter of Map Revision (LOMR). The properties are located south of the Trimmier Road Ditch and are located in a Zone AE Special Flood Hazard Area (SFHA). This area is designated as ‘Four-plex Residential’ (RQ) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The ‘Four-plex Residential’ (RQ) character encourages clusters of this type, with four units typically in two-story buildings as well as parks and public spaces. The zoning request is consistent with the FLUM of the Comprehensive Plan. Staff recommends approval of the applicant’s “R-2” zoning request.

The staff notified 18 (eighteen) surrounding property owners regarding this request. Staff received a response from Ms. Raye Mayhorn, 2710 S. Fort Hood Street, Killeen Texas.

Mr. Gary Purser, Jr., Killeen Engineering & Surveying, Ltd., 2901 E. Stan Schlueter Loop, Killeen, Texas, was present to represent this request.

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

Commissioner Harkin motioned to recommend approval of the request “R-2” (Two Family Residential District). Commissioner Cooper seconded the motion. The motion passed unanimously by a vote of 4 to 0 (with Commissioners Latham and Purser).

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

Commissioner Latham and Commissioner Purser returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “B-5” (BUSINESS DISTRICT) TO “R-2” (TWO FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Loma Vista Estates, a Texas partnership, 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 Lots 7 and 8, Block 1, Loma Vista Estates Phase Three, being locally known as 2813 and 2814 Leroy Lane, Killeen, Texas, from “B-5” (Business District) to “R-2” (Two Family Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 1st day of May 2017, 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 23rd day of May 2017, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the “R-2” zoning request should be approved;

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

SECTION I. That the zoning classification of Lots 7 and 8, Block 1, Loma Vista Estates Phase Three, being locally known as 2813 and 2814 Leroy Lane, Killeen, Texas, be changed from “B-5” (Business District) to “R-2” (Two Family Residential District).

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

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

SECTION IV. That 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 23rd day of May 2017, 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 #17-13

Ord. #17-__



Date Paid:	4/10/17
Amount Paid:	\$ 300.00
Cash/MO #/Check #:	# 11637
Receipt #:	521

CASE #: 17-13

City of Killeen Zoning Change Application

[] General Zoning Change \$300.00 [] Conditional Use Permit \$500.00

Name(s) of Property Owner: Loma Vista Estates

Current Address: 2901 E. Stan Schlueter Loop

City: Killeen State: TX Zip: 76542

Home Phone: () _____ Business Phone: () 681-5867 Cell Phone: () 535-1540

Email: cpurser@purserco.com

Name of Applicant: same
(If different than Property Owner)

Address: _____

City: _____ State: _____ Zip: _____

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

Email: _____

Address/Location of property to be rezoned: 2813 + 2814 Leray Ln.

Legal Description: Lots 7 + 8 Blk 1 Loma Vista Estates Ph. 3

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: _____ Sole Ownership _____ Partnership _____ Corporation _____ Other

Present Zoning: B5 Present Use: _____

Proposed Zoning: R2 Proposed Use: _____

Conditional Use Permit for: _____

This property was conveyed to owner by deed dated 4-27-11 and recorded in Volume _____, Page _____, Instrument Number 20100013790 of the Bell County Deed Records. (Attached)

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

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: Cristina Purser-King

Mailing Address: 2901 E. Stan Schlueter Loop

City: Killeen State: Tx Zip: 76542

Home Phone: () Business Phone: () 634-5567 Email: Cpurser@purserco.com

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

Signature of Agent Cristina Purser King Title Representative

Printed/Typed Name of Agent Cristina Purser King Date 4-6-17

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant _____ Date _____

Signature of Property Owner [Signature] Title owner

Printed/Typed Name of Property Owner Gary W. Purser Jr. Date 4-6-17

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:

Z17-13

ZONING FROM:

B-5 To R-2

APPLICANT:

LOMA VISTA ESTATES



PROPERTY OWNER:

LOMA VISTA ESTATES

LEGAL DESCRIPTION:

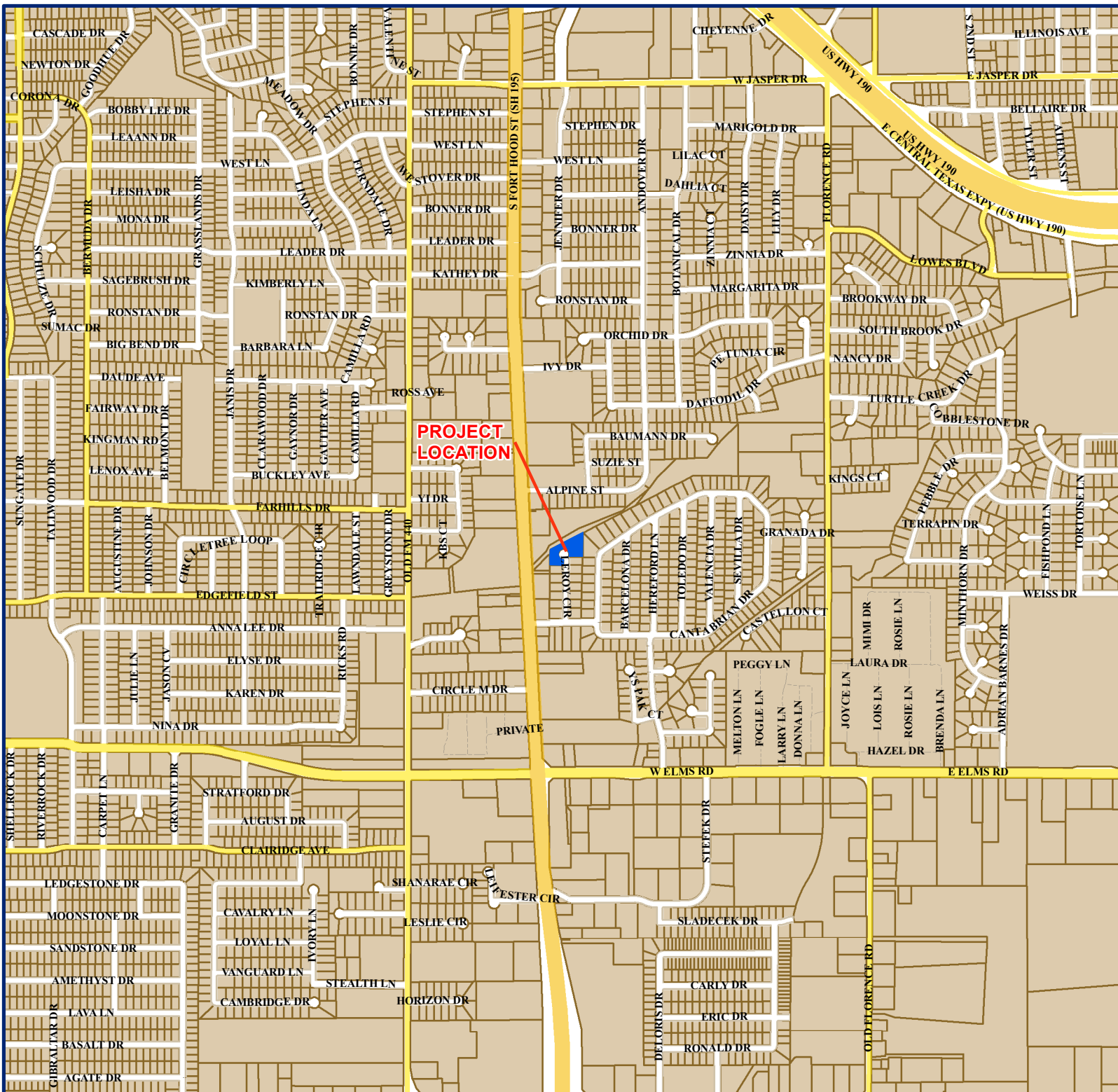
LOMA VISTA ESTATES
PHASE THREE, BLOCK 001,
LOTS 0007 & 0008

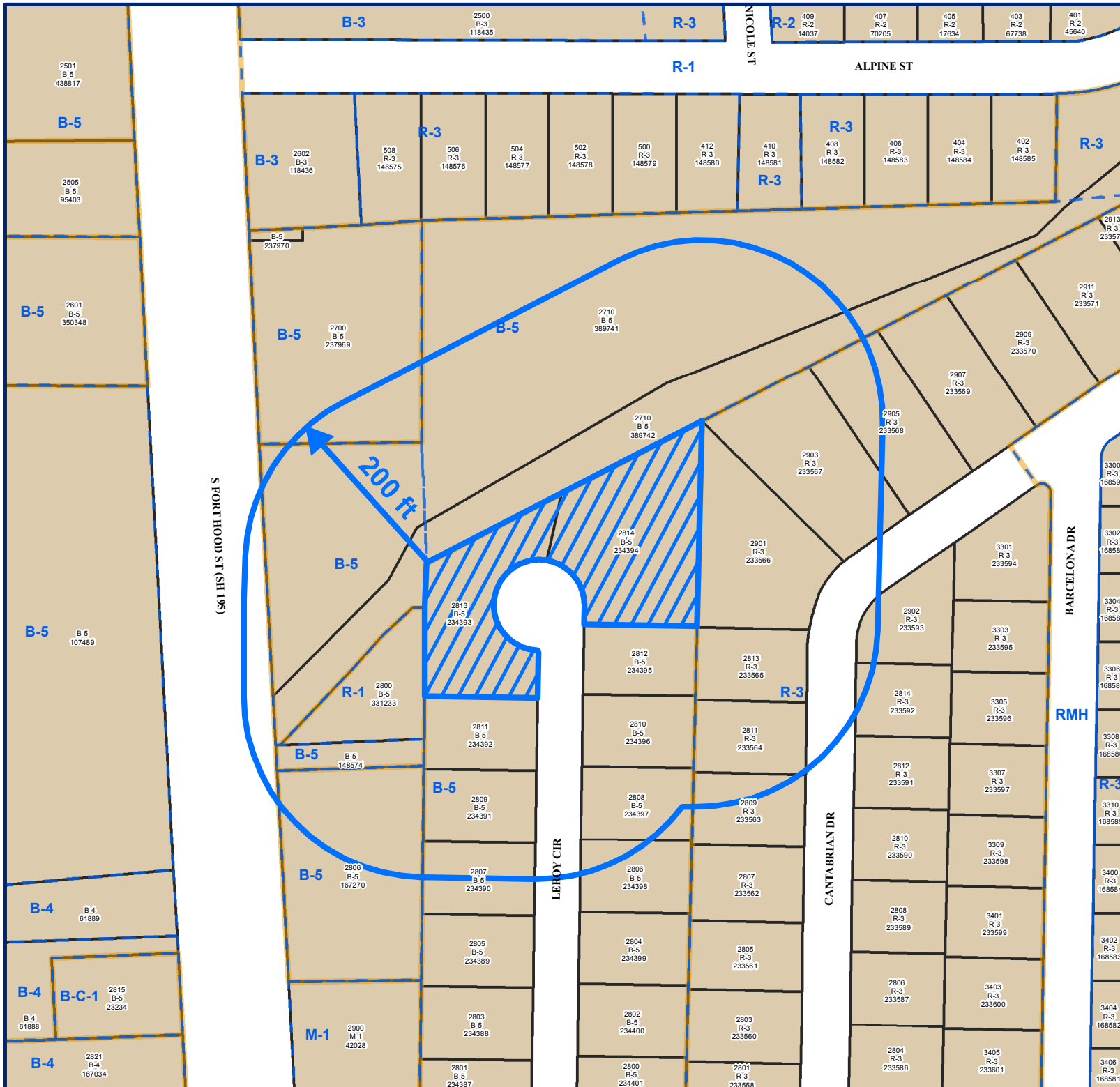
Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 4/18/2017





PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-13

ZONING FROM:

B-5 To R-2

APPLICANT:

LOMA VISTA ESTATES

PROPERTY OWNER:

LOMA VISTA ESTATES

LEGAL DESCRIPTION:

**LOMA VISTA ESTATES
PHASE THREE, BLOCK 001,
LOTS 0007 & 0008**

LEGEND

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



Date: 4/18/2017

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.

YOUR NAME:	Raye Mayhonn	PHONE NUMBER:	254-519-2080
CURRENT ADDRESS:	2710 So. FORT HOOD ST.	KILLEEN TEXAS	
ADDRESS OF PROPERTY OWNED:	2710 So. FORT HOOD ST.		
COMMENTS:	B-5 to R-2		
<p>I JUST WANT TO ASK THE CITY TO REQUIRE THE OWNER DO NOT MOVE DIRT TO MY PROPERTY, AS THEY DID WHEN THEY BUILT OR DEVELOPED THE ORIGINAL STREET FOR A FOUR PLEXES. MY LAND IS DIRECTLY ACROSS FROM THE SUBJECT THE OTHER SIDE OF THE CREEK.</p>			
SIGNATURE:	 Raye Mayhonn		SPO #Z17-13/20,21

RECEIVED
APR 7 6 2017
PLANNING



ZONING CASE #Z17-13
“B-5” TO “R-2”

PH-17-027

June 6, 2017



ZONING CASE #Z17-13

- The properties are undeveloped lots addressed as 2813 and 2814 Leroy Lanes and platted as Lots 7 and 8, Block 1, Loma Vista Estates Phase Three
- The properties were zoned “B-5” (Business District) zoning in 1995, which allowed residential uses
- The properties are located within a residential neighborhood with observed quadruplex structures



Exhibit 1. Zoning map

2813 and 2814 Leroy Lane, Killeen, Texas



ZONING CASE #Z17-13

- ❑ The property is designated as ‘Four-plex Residential (RQ) on the Comprehensive Plan’s Future Land Use Map (FLUM); the zoning request is consistent with the FLUM
- ❑ Staff notified eighteen surrounding property owners; no protests were received
- ❑ The Planning and Zoning Commission recommended approval of “R-2” (Two Family Residential District) zoning on May 1, 2017, by a vote of 4 to 0 (with Commissioners Latham and Purser abstaining)



City of Killeen

Legislation Details

File #: PH-17-028 **Version:** 1 **Name:** Zoning 17-12
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 4/26/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by the Central Texas Youth Services Bureau (Case #Z17-12) to rezone Lot 56, Block 3, Copper Mountain One, Phase II, from "R-1" (Single-family Residential District) to "R-1" (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park on this site. The property is addressed as 2812 Bacon Ranch Road, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Aerial Map Exhibit](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: May 16, 2017

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-12 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP)

BACKGROUND AND FINDINGS:

This request is submitted by the Central Texas Youth Services Bureau to rezone Lot 56, Block 3, Copper Mountain One, Phase II, from "R-1" (Single-family Residential District) to "R-1" (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park on this site. The property is addressed as 2812 Bacon Ranch Road, Killeen, Texas.

District Descriptions:

A building or premises in a district "R-1" single-family residential district shall be used only for the following purposes:

- 1) One-family dwellings
- (2) Churches or other places of worship
- (3) Colleges, universities or other institutions of higher learning
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges, or similar forms of commercial amusement
- (5) Farms, nurseries, or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings, and other public recreational facilities, owned and/or operated by the municipality or other public agency
- (7) Public buildings, including libraries, museums, and police and fire stations
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that, if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
- (9) Schools, public elementary or high
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work
- (12) Water supply reservoirs, pumping plants and towers

(13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building

14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision

Conditions of approval:

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

Property Specifics

Applicant/Property Owner: Central Texas Youth Services Bureau

Property Location: The subject property is addressed as 2812 Bacon Ranch Road, Killeen, Texas.

Legal Description: Lot 56, Block 3, Copper Mountain One, Phase II

Zoning/ Plat Case History:

- This property was zoned from "R-3" Multifamily Residential District and "B-3" Local Business District to "R-1" on June 8, 1993, per Ordinance #93-43.
- The subject lot is platted as Lot 56, Block 3, Copper Mountain One, Phase II, which was filed for record on July 26, 1993, in Cabinet B, Slide 288-A, Plat Records of Bell County, Texas.

Character of the Area

Existing Land Use(s) on the Property: This is an existing, well-established single-family residential neighborhood.

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water and sewer infrastructure is immediately available to the property.

Transportation

Existing conditions: Bacon Ranch Road is classified as a 70' collector street on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no proposed roadway infrastructure improvements for this site.

Projected Traffic Generation: The service area for this pocket park is the immediate neighborhood. It is anticipated that the park will receive pedestrian foot traffic.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). The property ranges in elevation from 840 to 844 feet. The subject property was also included in a 2015 FEMA Letter of Map Revision (LOMR), which removed it from the floodplain.

Land Use Analysis

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

Plan Recommendation: The 'General Residential' designation encompasses detached, residential dwelling units; attached housing types; planned developments; as well as parks and public/ institutional places.

Consistency: This request is consistent with the Comprehensive Plan.

Public Notification

The staff notified thirteen (13) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative.

Why?

The CUP zoning request is consistent with the FLUM.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the city's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the applicant's CUP request by a vote of 6 to 0 with the following conditions:

The approval period is for five years;

The applicant shall maintain a sign prominently denoting the contact information for the park ownership group;

Within 60 days of approval of the CUP, the applicant shall install a perimeter safety fence along the park's eastern boundary, adjacent to the drainage feature;

At the time Bacon Ranch Road is extended, the applicant shall provide safety fencing along the right-of-way;

The property shall remain fully insured and a monthly inspection report shall be provided to the Planning staff;

The park shall be open to the public from daylight to dusk

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Aerial Map Exhibit
Minutes
Ordinance
Application
Location Map
Buffer Map

Considerations

Figure 1. Zoning Map



Subject
Properties

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
MAY 1, 2017**

**CASE #Z17-12
R-1 to R-1 w/CUP**

HOLD a public hearing and consider a request submitted by the Central Texas Youth Services Bureau to rezone Lot 56, Block 3, Copper Mountain One, Phase II, from “R-1” (Single-family Residential District) to “R-1” (Single Family Residential District) with a Conditional Use Permit (CUP) for a private pocket park. The property is locally known as 2812 Bacon Ranch Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that the request is for Lot 56, Block 3, Copper Mountain One, Phase II. The property was gifted to the Central Texas Youth Services Bureau by a developer to be used as a park. This request is consistent with the Comprehensive Plan. The property is designated as ‘General Residential’. The ‘General Residential’ designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places. The Conditional Use Permit (CUP) will allow the existing park use.

The staff notified thirteen (13) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received.

Ms. Kami Diaz, 204 N. East Street, Suite A, Belton, Texas, was present to represent this request. Ms. Diaz stated that the surrounding property owners were notified of the park, the property is insured and they will fence part of the property.

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

Commissioner McLaurin motioned to recommend approval of “R-1” with Conditional Use Permit (CUP) with the conditions listed below. Commissioner Harkin seconded the motion. The motion passed by a vote of 6 to 0.

- Within 30 days of approval of the CUP, the applicant shall install a sign (meeting city permitting regulations) prominently denoting the contact information for the park ownership group
- Within 60 days of approval of the CUP, the applicant shall install a perimeter safety fence along the park’s eastern boundary, adjacent to the drainage feature.
- Property must be insured
- Park hours from Daylight to Dusk
- Maintained per the City of Killeen standards

- Monthly inspection report submitted to the Planning and Economic Development Division
- Upon further extension of Bacon Ranch Road, revaluation of additional perimeter fencing
- CUP will expire after 5 years

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR CONTINUED USE OF A PRIVATE RESIDENTIAL POCKET PARK; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Central Texas Youth Services Bureau 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 Lot 56, Block 3, Copper Mountain One, Phase II, being locally known as 2812 Bacon Ranch Road, from “R-1” (Single-family Residential District) to “R-1” (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 1st day of May 2017 with the following conditions:

- the CUP is approved for a period of five years
- the applicant shall maintain a sign prominently denoting the contact information for the park ownership group
- within 60 days from approval of the CUP, the applicant shall install a perimeter safety fence along the park’s eastern boundary, adjacent to the drainage feature
- at the time Bacon Ranch Road is extended, the applicant shall provide safety fencing along the right-of-way
- the property shall remain fully insured and a monthly inspection report shall be provided to the Planning staff
- the park shall be open to the public from daylight to dusk,

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 23rd day of May 2017, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the CUP zoning 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 Lot 53, Block 3, Copper Mountain One, Phase II, be changed from “R-1” (Single-family Residential District) to “R-1” (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park on this site with those conditions as recommended by the Planning and Zoning Commission.

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 23rd day of May 2017, 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 #17-12

Ord. #17-____



Date Paid:	<u>4/5/2017</u>
Amount Paid:	<u>\$ 500.00</u>
Cash/MO #/Check #:	<u># 35385</u>
Receipt #:	<u>520</u>

CASE #: Z11-12

City of Killeen Zoning Change Application

General Zoning Change \$300.00 Conditional Use Permit \$500.00

Name(s) of Property Owner: Central Texas Youth Services Bureau

Current Address: 204 N East St. Suite A

City: Belton State: Texas Zip: 76513 - 8190

Home Phone: () _____ Business Phone: (254) 939-3466 Cell Phone: (254) 217-1982

Email: ctysb.ed@gmail.com

Name of Applicant: Kami L. Diaz, LCSW, Executive Director of Owning Non-Profit Agency
(If different than Property Owner)

Address: Same Address As Owner

City: _____ State: _____ Zip: _____

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

Email: _____

Address/Location of property to be rezoned: 2812 Bacon Ranch Rd. Killeen, TX 76542

Legal Description: Lot 56, Block 3, Copper Mountain One, Phase II (R-1 Single Family Residential District)

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: Sole Ownership Partnership Corporation Other

Present Zoning: R-1 Present Use: Private Pocket Park

Proposed Zoning: R-1 with Conditional Use Permit Proposed Use: Private Pocket Park

Conditional Use Permit for: Private Pocket Park

This property was conveyed to owner by deed dated March 1, 2017 and recorded in Volume Cabinet B Page 288-A, Instrument Number 2017-8001 of the Bell County Deed Records. (Attached)

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

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: Kami L. Diaz, LCSW – Executive Director

Mailing Address: 204 N East St. Suite A

City: Belton State: TX Zip: 76513 - 8190

Home Phone: (254) 217-1982 Business Phone: (254) 939-3466 Email: ctysb.ed@gmail.com

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

Signature of Agent *Kami L. Diaz, LCSW* Title Executive Director

Printed/Typed Name of Agent Kami L. Diaz, LCSW Date _____

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant _____ 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 *Laurie Oler* Title Treasurer (Board)

Printed/Typed Name of Property Owner Laurie Oler Date 4-5-17

*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:

Z17-12

ZONING FROM:

R-1 To R-1 w/ CUP

APPLICANT:

KAMI L. DIAZ, LCSW




PROPERTY OWNER:

CENTRAL TEXAS YOUTH
SERVICES BUREAU

LEGAL DESCRIPTION:

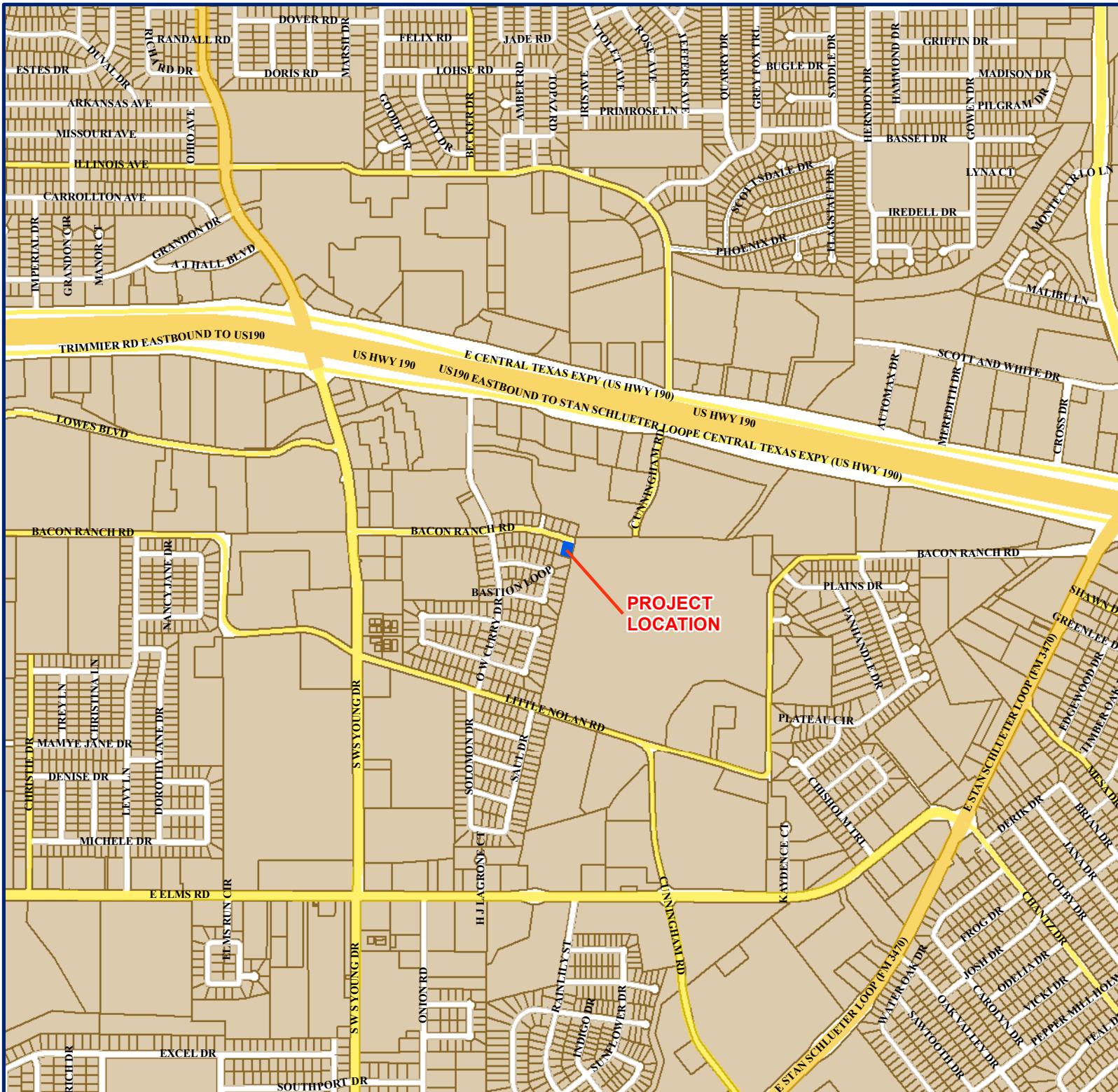
SOUTH GATE, BLOCK 003,
LOT PT 1, (E 225.48' OF
W 325.48' OF 1), ACRES 1.036

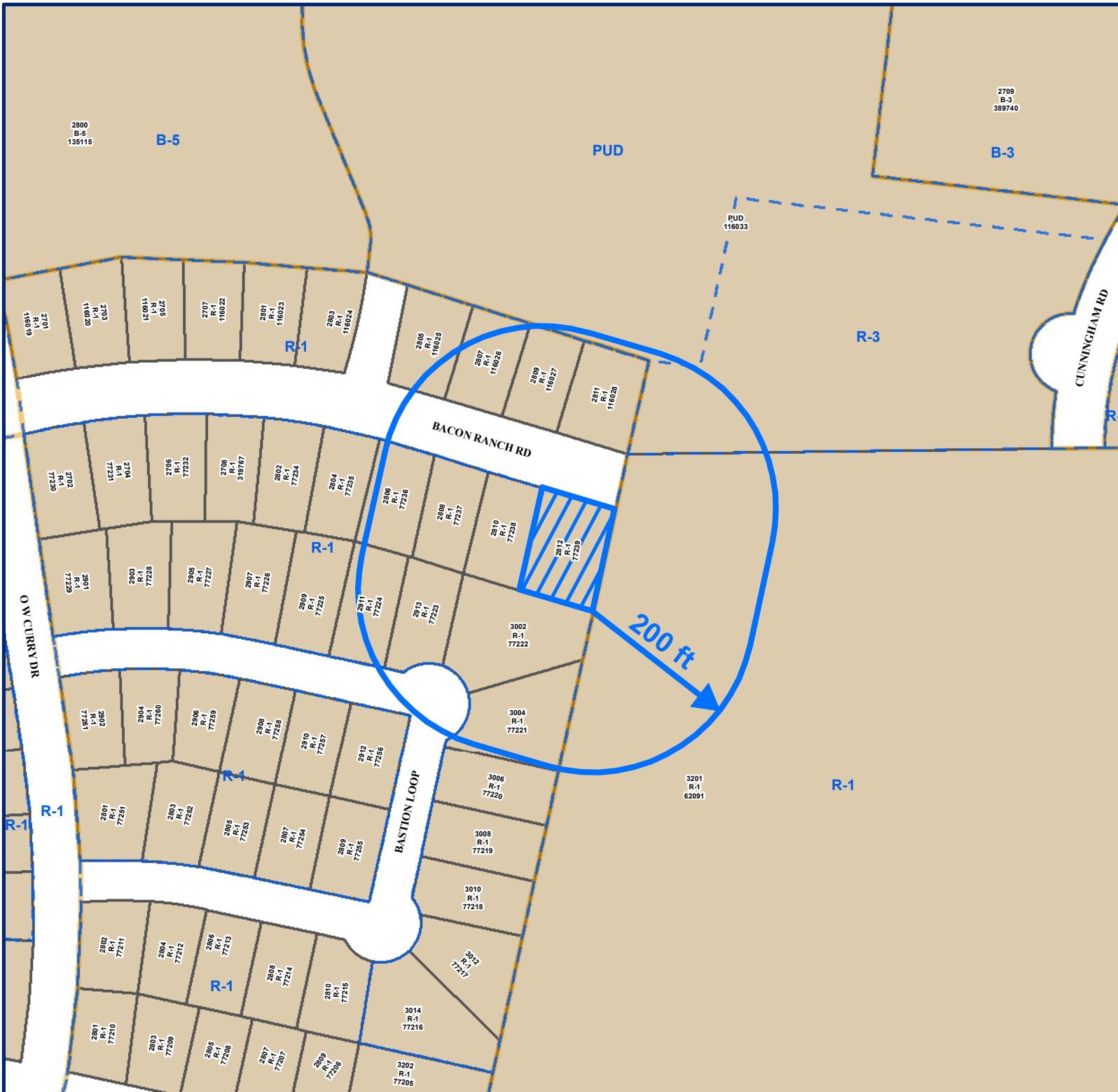
Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 4/10/2017





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z17-12

ZONING FROM:

R-1 To R-1 w/ CUP

APPLICANT:

KAMI L. DIAZ, LCSW







PROPERTY OWNER:

CENTRAL TEXAS YOUTH
SERVICES BUREAU

LEGAL DESCRIPTION:

SOUTH GATE, BLOCK 003,
LOT PT 1, (E 225.48' OF
W 325.48' OF 1), ACRES 1.036

LEGEND

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



Date: 4/10/2017

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.



ZONING CASE #Z17-12
“R-1” TO “R-1” WITH CUP

PH-17-028

June 6, 2017



ZONING CASE #Z17-12

- ❑ The property is located as 2812 Bacon Ranch Road and is platted as Lot 56, Block 3, Copper Mountain One, Phase II
- ❑ There is an existing pocket park (containing playground equipment and other improvements) at this location
- ❑ The “R-1” (Single-Family Residential District) does not allow private parks
- ❑ Approval of the CUP will allow the existing park to remain as a private owned and maintained neighborhood amenity

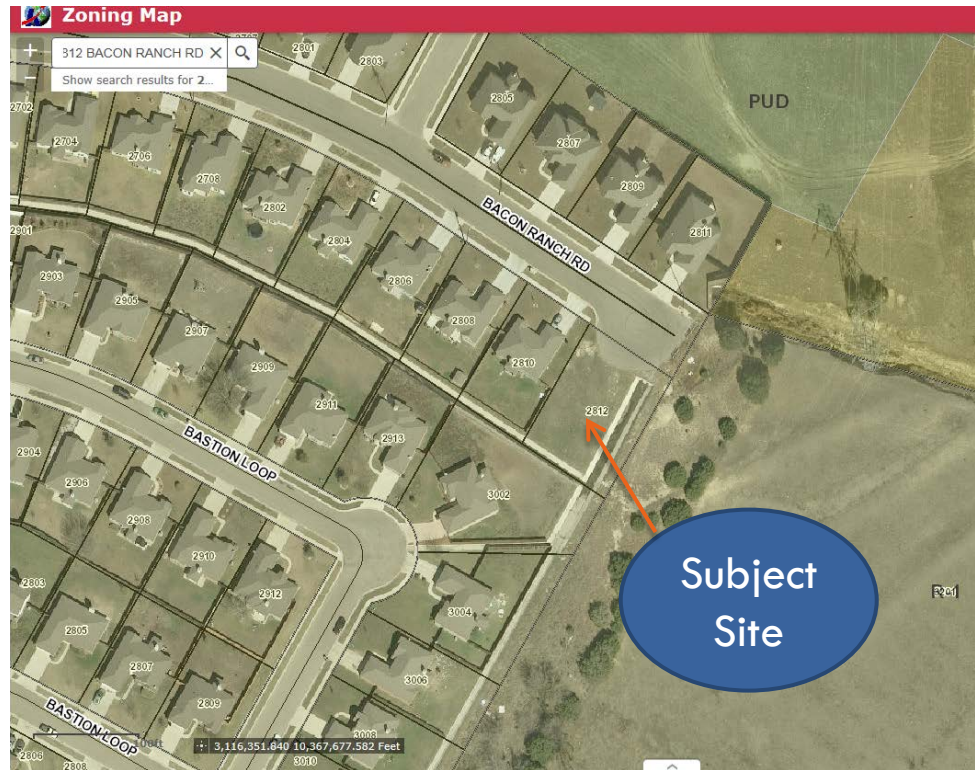


Exhibit 1. Zoning map

2812 Bacon Ranch Road, Killeen, Texas



ZONING CASE #Z17-12

- The property is designated as ‘General Residential’ on the Comprehensive Plan’s Future Land Use Map (FLUM); the zoning request is consistent with the FLUM
- Staff notified thirteen surrounding property owners; no protests were received
- The Planning and Zoning Commission recommended approval of the CUP on May 1, 2017, by a vote of 6 to 0

ZONING CASE #Z17-12

- ❑ The CUP conditions include:
 - the CUP is approved for a period of five years
 - the applicant shall maintain a sign prominently denoting the contact information for the park ownership group
 - Within 60 days from approval of the CUP, the applicant shall install a perimeter safety fence along the park's eastern boundary, adjacent to the drainage feature
 - At the time Bacon Ranch Road is extended, the applicant shall provide safety fencing along the right-of-way
 - The property shall remain fully insured and a monthly inspection report shall be provided to the Planning staff
 - The park shall be open to the public from daylight to dusk



City of Killeen

Legislation Details

File #: PH-17-029 **Version:** 1 **Name:** Zoning 17-11
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 4/26/2017 **In control:** City Council
On agenda: 6/13/2017 **Final action:**

Title: HOLD a public hearing and consider an ordinance requested by Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum (Case #Z17-11) to rezone part of Lot 1, Block 3, South Gate Addition, from "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District) for general commercial use. The properties are located at 1030 and 1040 W. Jasper Drive, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Aerial Map Exhibit](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)
[Response](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
6/6/2017	1	City Council Workshop		



STAFF REPORT

DATE: May 16, 2017

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-11 "B-5" (BUSINESS DISTRICT) AND "RC-1" (RESTAURANT AND ALCOHOL SALES DISTRICT) TO "B-5" (BUSINESS DISTRICT)

BACKGROUND AND FINDINGS:

This request is submitted by Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum to rezone part of Lot 1, Block 3, South Gate Addition, from "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District) for general commercial use. The properties are located at 1030 and 1040 W. Jasper Drive, Killeen, Texas. The applicant has also submitted a concurrent replat for this property to be known as Lone Star Realty Addition.

District Descriptions:

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

- (1) Any use permitted in the "B-4" district
- (2) Building material and lumber sales (outside storage permitted)
- (3) Storage warehouse, greater than twenty-five thousand (25,000) square feet
- (4) Veterinarian clinic or pet kennel with outside pens
- (5) Railroad or bus passenger terminal
- (6) Tire recapping or retreading
- (7) Impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened
- (8) Any commercial use not included in any other district, provided such use does not involve salvaging, manufacturing or industrial type storage, or dismantling, and is not noxious or offensive because of odors, dust, noise, fumes or vibrations
- (9) Mobile home sales
- (10) Tattooing (as licensed per V.T.C.A., Health and Safety Code ch. 146, as amended)

Property Specifics

Applicant/Property Owner: Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum

Property Location: The subject properties are addressed as 1030 and 1040 W. Jasper Drive, Killeen, Texas.

Legal Description: Part of Lot 1, Block 3, South Gate Addition

Zoning/ Plat Case History:

- The last zoning activity for this property was approval of .458 acre of "RC-1" zoning on December 13, 1983, per Ordinance #83-72.
- The subject lots are platted as part of South Gate Addition which was filed for record on February 22, 1971, in Plat Book 2, Page 181-2-4, Deed Records of Bell County, Texas.

Character of the Area

Existing Land Use(s) on the Property: This is a commercial corridor with an abutting residential neighborhood to the south.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water and sewer infrastructure is immediately available to the property. The property owners and their 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: Jasper Road is classified as a 70' collector street on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no improvements proposed for this development.

Projected Traffic Generation: 10,000 square feet of office space will generate 228 vehicle trips per day.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). The property ranges in elevation from 902 to 910 feet.

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 zoning request is consistent with regard to the FLUM designation of this property.

Public Notification

The staff notified twenty (20) surrounding property owners within a 200' notification boundary regarding this request. Staff received a response of support from Max Heiner, the owner of 1010 W. Jasper Road, Killeen, Texas.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative.

Why?

The "B-5" zoning is consistent with the existing zoning on this parcel.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the city's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the applicant's request for "B-5" zoning by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Aerial Map Exhibit
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations
Response

Figure 1. Zoning Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
MAY 1, 2017**

**CASE #Z17-11
B-5 and RC-1 to B-5**

HOLD a public hearing and consider a request submitted by Timothy L. Doerbaum and Karen E. Doerbaum to rezone part of Lot 1, Block 3, South Gate Addition, from “B-5” (Business District) and “RC-1” (Restaurant and Alcohol Sales District) to “B-5” (Business District). The properties are located at 1030 and 1040 W. Jasper Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that the last zoning activity for this property was on December 13, 1983 for “RC-1”; the intention of the property owner at that time was to establish a restaurant and sell alcoholic beverages. Staff recommends approval of “B-5” (Business District) zoning for the properties. The request is consistent with the Comprehensive Plan’s Future Land Use Map (FLUM).

The staff notified twenty (20) surrounding property owners regarding this request. One response was received in support from Mr. Max Heiner, 1010 W. Jasper Road, Killeen, Texas.

Mr. Pedro Quintero, Quintero Engineering, L.L.C., 415 E. Avenue D, Killeen, Texas, was present to represent this request.

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

Commissioner McLaurin motioned to recommend approval of “B-5” (Business District). Commissioner Latham seconded the motion. The motion passed by a vote of 6 to 0.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “B-5” (BUSINESS DISTRICT) AND “RC-1” (RESTAURANT AND ALCOHOL SALES DISTRICT) TO “B-5” (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of part of Lot 1, Block 3, South Gate Addition, from “B-5” (Business District) and “RC-1” (Restaurant and Alcohol Sales District) to “B-5” (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 1st day of May 2017, 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 23rd day of May 2017, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the “B-5” zoning 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 part of Lot 1, Block 3, South Gate Addition, be changed from “B-5” (Business District) and “RC-1” (Restaurant and Alcohol Sales District) to “B-5” (Business District).

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

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

SECTION IV. That 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 23rd day of May 2017, 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 #17-11

Ord. #17-___



Date Paid: 3/31/2017
 Amount Paid: \$ 300.00
 Cash/MO #/Check #: # 2278
 Receipt #: 519

CASE #: 217-11

City of Killeen Zoning Change Application

[] General Zoning Change \$300.00 [] Conditional Use Permit \$500.00

Name(s) of Property Owner: Timothy Lloyd Doerbaum & Karen Elizabeth Doerbaum
 Current Address: 1020 W. Jasper
 City: Killeen State: Texas Zip: 76542
 Home Phone: () N/A Business Phone: (254) 699-7003 Cell Phone: (254) 290-0718
 Email: karen@lonestarrealty.net

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

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

Address/Location of property to be rezoned: 1030 & 1040 W. Jasper Dr., Killeen
 Legal Description: South Gate, Block 3, Lot Pt. 1 (E 225.48' of W 325.48' of 1)

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
 If NO, a FLUM amendment application must be submitted.

Type of Ownership: Sole Ownership Partnership Corporation Other

Present Zoning: B-5 & RC-1 Present Use: Vacant

Proposed Zoning: B-5 Proposed Use: General Commercial

Conditional Use Permit for: N/A

This property was conveyed to owner by deed dated August 19, 2015 and recorded in Volume _____, Page _____, Instrument Number 2015-31871 of the Bell County Deed Records. (Attached)

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

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: Quintero Engineering, LLC

Mailing Address: P.O. Box 4386

City: Killeen State: Texas Zip: 76540 - _____

Home Phone: (254) 493-0744 Business Phone: (254) 493-9962 Email: pquintero@quinteroeng.com

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

Signature of Agent  Title President

Printed/Typed Name of Agent Pedro Quintero, P.E. Date 03/30/2017

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant  Title Owner

Printed/Typed Name of Applicant Timothy Lloyd Doerbaum Date 3/30/17

Signature of Property Owner  Title Owner

Printed/Typed Name of Property Owner Karen Elizabeth Doerbaum Date 3/30/17

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:

Z17-11

ZONING FROM:

B-5 and RC-1 To B-5

APPLICANT:

TIMOTHY L. AND
KAREN E. DOREBAUM




PROPERTY OWNER:

TIMOTHY L. AND
KAREN E. DOREBAUM

LEGAL DESCRIPTION:

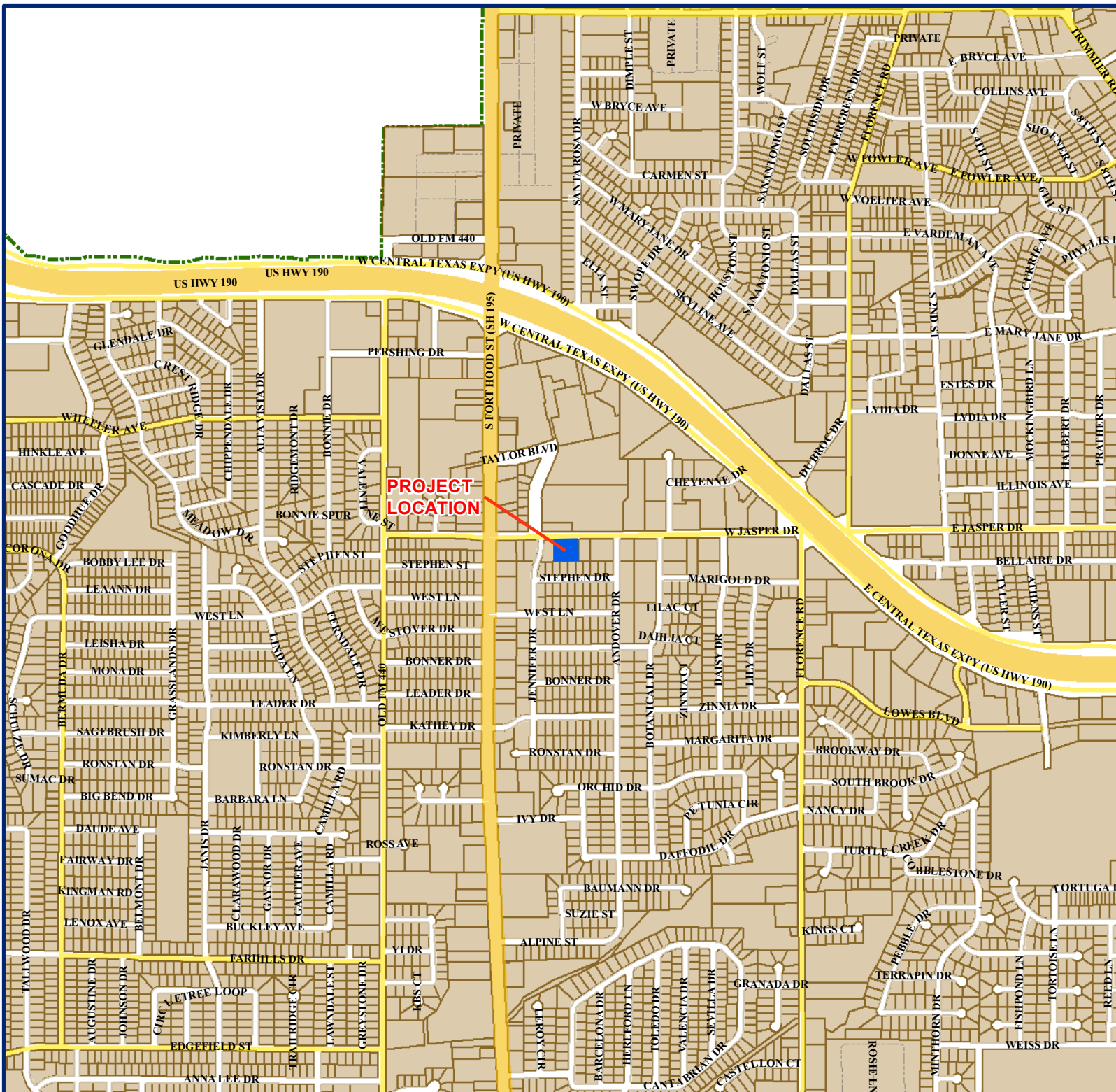
SOUTH GATE, BLOCK 003,
LOT PT 1, (E 225.48' OF
W 325.48' OF 1), ACRES 1.036

Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 4/3/2017





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z17-11

ZONING FROM:

B-5 and RC-1 To B-5

APPLICANT:

TIMOTHY L. AND
KAREN E. DOREBAUM







PROPERTY OWNER:

TIMOTHY L. AND
KAREN E. DOREBAUM

LEGAL DESCRIPTION:

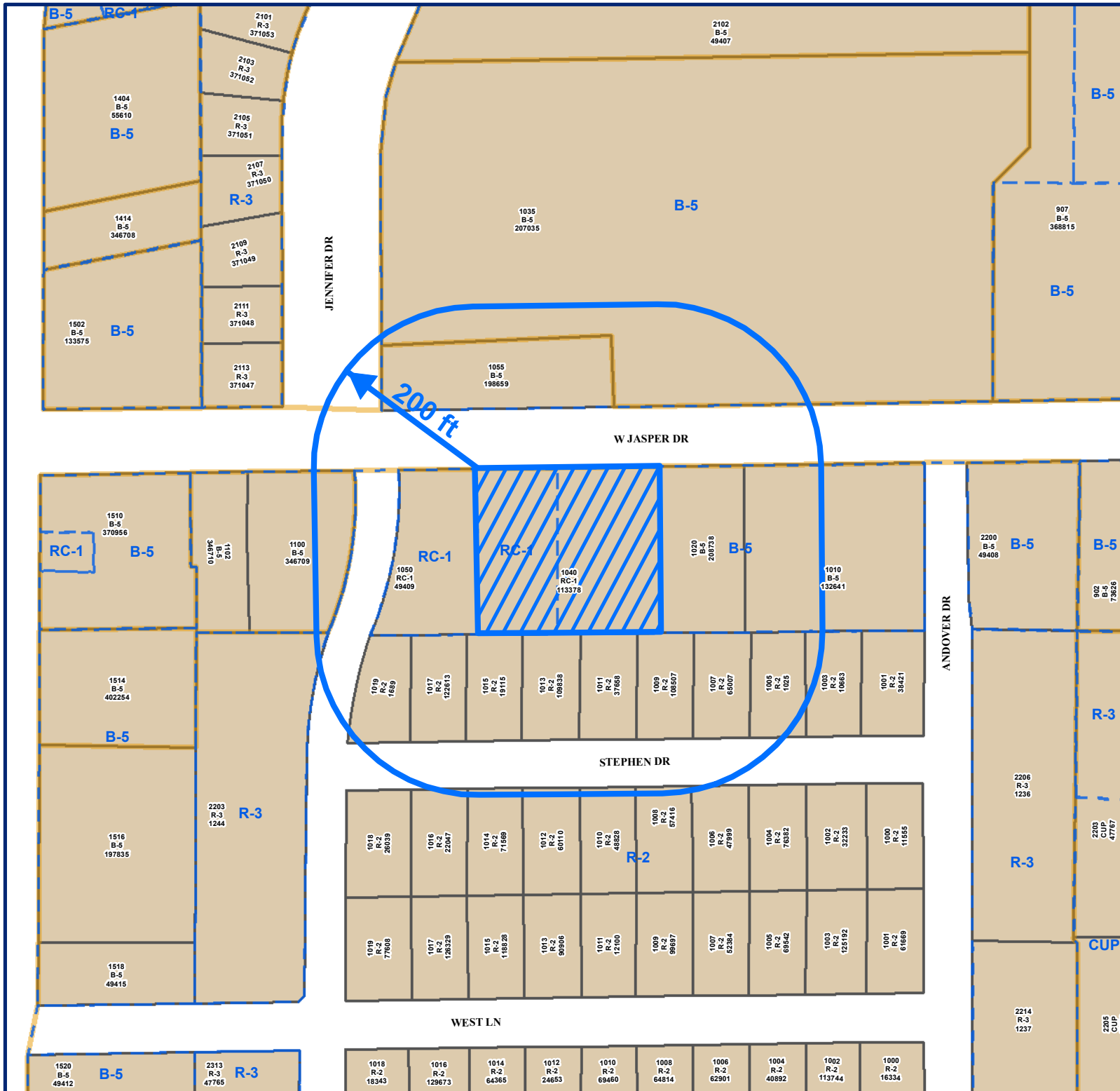
SOUTH GATE, BLOCK 003,
LOT PT 1, (E 225.48' OF
W 325.48' OF 1), ACRES 1.036

LEGEND

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



Date: 4/3/2017



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: Max Heiner Sr Surley Home, Inc	PHONE NUMBER: 254-634-2212
CURRENT ADDRESS: PO Box 10914, Killeen TX 76547	
ADDRESS OF PROPERTY OWNED: 1010 W. Jasper	
COMMENTS:	B-5 and RC-1 to B-5
We support this request to Re-Zone to B-5.	
RECEIVED	
JUL 01 2017	
PLANNING	
SIGNATURE: Max Heiner	SPO #Z17-11/ 20



ZONING CASE #Z17-11
“B-5” AND “RC-1” TO “B-5”

PH-17-029

June 6, 2017



ZONING CASE #Z17-11

- The property is an existing commercially zoned tract that was zoned to “RC-1” (Restaurant and Alcohol Sales District) in December 1983
- The properties are addressed as 1030 and 1040 W. Jasper Road
- The property abuts a single-family neighborhood (Bonner Addition 2nd Unit) to the south



Exhibit 1. Zoning map

1030 and 1040 W. Jasper Road, Killeen, Texas



ZONING CASE #Z17-11

- The property is designated as ‘General Commercial’ on the Comprehensive Plan’s Future Land Use Map (FLUM); the zoning request is consistent with the FLUM
- Staff notified twenty surrounding property owners; no protests were received
- The Planning and Zoning Commission recommended approval of “B-5” (Business District) zoning on May 1, 2017, by a vote of 6 to 0