



City of Killeen

Agenda City Council

Tuesday, January 10, 2017

5:00 PM

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

Call to Order and Roll Call

<input type="checkbox"/> Jose Segarra, Mayor	<input type="checkbox"/> Brockley Moore
<input type="checkbox"/> Shirley Fleming	<input type="checkbox"/> Jonathan Okray
<input type="checkbox"/> Gregory Johnson	<input type="checkbox"/> Juan Rivera
<input type="checkbox"/> Jim Kilpatrick	<input type="checkbox"/> Dick Young

Invocation

Pledge of Allegiance

Approval of Agenda

Minutes

[MN-17-001](#) Consider Minutes of Regular City Council Meeting of December 13, 2016.

Attachments: [Minutes](#)

[Okray Memorandum for Record RS-16-150](#)

[Johnson Statement for Record PH-16-048A](#)

Resolutions

[RS-17-001](#) Consider a memorandum/resolution authorizing the execution of Change Order No. 11 to McLean Construction, Inc. for the Trimmier Road Widening Project.

Attachments: [Council Memorandum](#)

[Change Order](#)

[Change Order Tracking](#)

[Certificate of Interested Parties](#)

[RS-17-002](#) Consider a memorandum/resolution authorizing the purchase of uniforms for the Killeen Fire Department for fiscal year 2016-2017.

Attachments: [Council Memorandum](#)
[Buy Board - Miller Uniforms](#)
[Certificate of Interested Parties](#)

[RS-17-003](#) Consider a memorandum/resolution for the purchase of portable radios and mobile/vehicle mount units for the Fire Department.

Attachments: [Council Memorandum](#)
[Quote](#)
[Sole Source](#)
[Certificate of Interested Parties](#)

[RS-17-004](#) Consider a memorandum/resolution adopting State Legislative Principles for the 85th Texas Legislative Session.

Attachments: [Council Memorandum](#)
[Texas Legislative Process](#)
[City of Killeen State Legislative Principles](#)
[TML Legislative Priorities](#)

Ordinances

[OR-16-025](#) Consider an ordinance granting an electric franchise to Bartlett Electric Cooperative, Inc. (2nd of 3 Readings)

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

[OR-17-001](#) Consider an ordinance ordering a general election to be held on May 6, 2017 to elect a District Council Member for each District.

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

[OR-17-002](#) Consider an ordinance to amend the number of authorized Fire Rescue Officer and Fire Captain civil service positions for the Killeen Fire Department.

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

Public Hearings

[PH-16-048B](#) HOLD a public hearing and consider an ordinance amending the FY2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase an expense account for an emergency environmental response.

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

[PH-17-001](#)

HOLD a public hearing and consider an ordinance requested by John and Kimberly Anne Jones-Greenwalt (Case# Z16-23) to rezone approximately three (3) acres out of the J.S. Wilder Survey, Abstract No. 780, from "R-1" (Single-Family Residential District) to "A" (Agricultural District). The property is located at 2707 Polk Street, Killeen, Texas.

Attachments: [Council Memorandum](#)

[Attachment to CCMO](#)

[Minutes](#)

[Ordinance](#)

[Application](#)

[Location map](#)

[Buffer map](#)

[Considerations](#)

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 January 6, 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-17-001 **Version:** 1 **Name:** Minutes of Regular City Council Meeting of December 13, 2016
Type: Minutes **Status:** Minutes
File created: 12/12/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of December 13, 2016.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)
[Okray Memorandum for Record RS-16-150](#)
[Johnson Statement for Record PH-16-048A](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		

City of Killeen
Regular City Council Meeting
Killeen City Hall
December 13, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

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

Councilmember Okray gave the invocation, and James Ralston led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda pulling and postponing PH-16-048B from consideration until January 10th meeting. Motion seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the December 6th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-16-147 Consider a memorandum/resolution approving the appointment of a City Auditor.
Staff comments: Eva Bark
Recommend the City Council approve the selection of Matthew Grady as City Auditor.

Motion was made by Councilmember Fleming to approve RS-16-147. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-16-148 Consider a memorandum/resolution approving the appointment of an Executive Director of Public Works.
Staff comments: Eva Bark
Recommend the City Council approve the appointment of David Olson as Executive Director of Public Works.

Motion was made by Councilmember Kilpatrick to approve RS-16-148. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-16-149 Consider a memorandum/resolution authorizing the award of Bid No. 17-01 for a construction contract to Battery Warehouse for the construction of Stewart Neighborhood Project Phase 3- Sidewalk Reconstruction.
Staff comments: David Olson
City staff recommends the City Council award a construction contract for sidewalk

reconstruction and tree root removal associated with Stewart Neighborhood Project, Phase 3 - Sidewalk Reconstruction to the lowest responsive and responsible bidder for line item one (1) through line item twenty-four (24) to Battery Warehouse, McAllen, Texas, in the amount of \$150,405.92. Additionally, staff recommends that City Council authorize the City Manager to execute all necessary contract documents along with all change orders or supplemental agreements for the project within the amounts set by state and local law.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-149. Motion was seconded by Councilmember Okray. Motion carried unanimously.

RS-16-150 Consider a memorandum/resolution authorizing the City Manager to enter into a professional services agreement with Mitchell and Associates, Inc. for the design of the Rosewood Drive Extension project.

Staff comments: David Olson

City staff recommends that the City Council authorize the City Manager to enter into an agreement with Mitchell and Associates, Inc., for a professional engineering services agreement for the design of the Rosewood Drive Extension and Heritage Oaks Hike and Bike Trail, Segment 3 project, in the amount of \$741,623 and that the City Manager be authorized to execute any and all change orders or supplemental agreements within the amount established by state and local law.

Motion was made by Councilmember Rivera to approve RS-16-150. Motion was seconded by Councilmember Kilpatrick.

Councilmember Okray made a motion to divide into two parts, Rosewood Drive Extension and Heritage Oaks Hike and Bike Trail. Motion was seconded by Councilmember Fleming.

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

Motion tied 3 to 3 with Councilmember Johnson, Councilmember Okray, and Councilmember Fleming voting for the motion, and Councilmember Young, Councilmember Kilpatrick, and Councilmember Rivera opposing the motion. Mayor Pro-Tem Moore abstained. Mayor Segarra broke the tie by voting against the motion. Motion failed.

Motion on the main motion carried 6 to 1 with Councilmember Okray opposing.

RS-16-151 Consider a memorandum/resolution authorizing the City Manager to execute an advance funding agreement with the Texas Department of Transportation (TxDOT) to construct Heritage Oaks Hike and Bike Trail Segment 3A.

Staff comments: David Olson

The proposed project entails constructing a 12-foot wide concrete trail with associated lighting and trail amenities. This project would provide improved access to transportation alternatives for the community. City staff recommends that the City Council authorize the City Manager to enter into an advance funding agreement with the Texas Department of Transportation for the Transportation Alternatives Program and issue an initial payment in the amount of \$7,200 and subsequent payment in the amount of \$16,800 prior to bid advertising to the Texas Department of Transportation to accept the award funding and move forward with the project.

Motion was made by Councilmember Rivera to approve RS-16-151. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 1 with Councilmember Okray opposing.

RS-16-152 Consider a memorandum/resolution authorizing Change Order No. 9 to RM Rodriguez

Construction, LP for the Killeen Fort Hood Regional Trail, Segment 3 project.

Staff comments: David Olson

Change Order No. 9 will add or subtract quantities to balance changes made in the field. This change will be the final adjustment to quantities for the project and is a portion of the closeout process. City staff recommends City Council authorize the City Manager to execute Change Order No. 9, which is a net decrease of \$77,195.58 for the Killeen Fort Hood Regional Trail, Segment 3 project with RM Rodriguez Construction.

Motion was made by Councilmember Kilpatrick to approve RS-16-152. Motion was seconded by Councilmember Young. Motion carried unanimously.

RS-16-154 Consider a memorandum/resolution to authorize participation in the Texas Water Development Board Grant for the Nolan Creek Regional Flood Protection Master Plan project.

Staff comments: Kristina Ramirez

Benefits of a regional flood protection master plan include prioritization and coordination of structural and nonstructural projects throughout the watershed, improved water quality, increased public education, and increased public safety. This grant would allow the City to proceed with the 2012 Drainage Master Plan planned project, without having to wait for funding in a future drainage bond. Staff recommends the City Council approve participation in the TWDB Flood Protection Planning Grant for the Nolan Creek Regional Flood Protection Master Plan project and authorize the City Manager to execute all contracts, change orders, documents, and agreements associated with the grant.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-154. Motion was seconded by Councilmember Fleming. Motion carried 5 to 2 with Councilmember Kilpatrick and Councilmember Young opposing.

Public Hearings

PH-16-048A Consider a memorandum/resolution authorizing the execution of a professional services contract amendment with CG Environmental - Cleaning Guys, LLC, for the August 12, 2016, emergency environmental response.

Staff comments: Kristina Ramirez

In December 2014, the City entered into a contract for emergency response services with CG Environmental - Cleaning Guys, LLC (CG). The services within that contract were for hazardous material cleanup, remediation, and disposal, not to exceed \$50,000.00. On the morning of Friday, August 12, 2016, the City responded to a gas fire at 4415 E. Veterans Memorial Boulevard. Staff evaluated the situation and determined that the level of response needed required professional assistance. As a result, staff utilized the existing contract authorization to contact CG to request assistance in the containment, remediation, and disposal of petroleum products that entered the soil and watercourse. Due to previous payments to CG Environmental on other issues, city staff recommends that the City Council authorize the City Manager to enter into a contract amendment with CG Environmental - Cleaning Guys, LLC for \$214,199.02 for the August 12, 2016 Emergency Environmental Response project.

Motion was made by Mayor Pro-Tem Moore to approve PH-16-048A. Motion was seconded by Councilmember Okray.

Councilmember Johnson made a statement for the record. See attached.

Motion carried 5 to 2 with Councilmember Johnson and Councilmember Young opposing.

POSTPONED UNTIL JANUARY 10, 2017 MEETING.

PH-16-048B HOLD a public hearing and consider an ordinance amending the FY2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase an expense account for an emergency environmental response.

PH-16-049 HOLD a public hearing and consider an ordinance requested by Christian House of Prayer, Inc. (Case #Z16-22) to rezone Lot 1, Block 1, Christian House of Prayer Addition and Lot 1, Block 1, Christian House of Prayer Addition Phase 3, from “B-3” (Local Business District) to “B-4” (Business District). The property is located on the southwest corner of E. Stan Schlueter Loop (FM 3470) and Cunningham Road.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-3 (LOCAL BUSINESS DISTRICT) TO B-4 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified forty-two (42) surrounding property owners regarding this request. Staff has received no protests. The Planning & Zoning Commission recommended approval of “B-4” (Business District) for approximately 47 acres, being all of Lot 1, Block 1, Christian House of Prayer Addition Phase 3 and the western 7.7 acres of Lot 1, Block 1, Christian House of Prayer Addition, by a vote of 6 to 0.

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

Motion was made by Councilmember Fleming to approve PH-16-049. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

PH-16-050 HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen for the transfer of unallocated Solid Waste funds to the General 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 ALLOW FOR THE TRANSFER OF UNALLOCATED SOLID WASTE FUNDS TO THE GENERAL 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

Since the Fleet Replacement Program was terminated, the Solid Waste Fund will also recognize a \$1,517,515 reduction in expenses for FY 2017. The reduction in expenses

represents Solid Waste's contribution towards the Fleet Replacement Program. The total economic benefit for Solid Waste due to the termination of the Fleet Replacement Program is \$2,009,341. The recommendation is to make a one-time transfer of the unallocated funds from the closure of the Fleet Replacement Program from Solid Waste to the General Fund. The recommended amount of the one-time transfer is \$1,677,216. Staff recommends that City Council approve the ordinance allowing a one-time transfer of unallocated Solid Waste funds to the General Fund.

Mayor Segarra opened the public hearing.

James Ralston, 408 Yates Rd - Spoke against the proposal.
With no one else appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-16-049. Motion was seconded by Councilmember Kilpatrick.

Councilmember Fleming made a motion to amend the original motion, adding that the money would be borrowed from the solid waste fund instead of being permanently transferred from the solid waste fund. Motion was seconded by Councilmember Young. Motion failed 2 to 5 with Councilmember Okray, Mayor Pro-Tem Moore, Councilmember Rivera, Councilmember Kilpatrick, and Councilmember Johnson opposing.

Motion on the main motion carried 4 to 3 with Councilmember Young, Councilmember Johnson, and Councilmember Fleming opposing.

Ordinances

OR-16-024 Consider an ordinance amending Chapter 30, Article IV, Division 1, Sections 30-102 & 103, water meter and tap fees.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 30 WATER, SEWERS, AND SEWAGE DISPOSAL, ARTICLE IV, DIVISION 1, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, PROVIDING FOR REVISIONS TO WATER METER AND TAP FEES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: David Olson

After extensive analysis of the City's current water service policy, staff has concluded that the following revisions to this policy are necessary:

1. Developer installs all new water services per City standards.
2. City Public Works inspectors monitor installations.
3. City water crew installs water meter and meter box.
4. Builder pays a \$200 meter connect fee for each service.
5. In established subdivisions, City water crew installs water service and meter after the builder has paid an \$800 fee for a long service or a \$500 fee for a short service 3/4" meter and increased fees for larger meters.

Staff recommends that City Council approve the amendment of Chapter 30 of the Code of Ordinances providing for revisions to water meter and tap fees, effective three months after its passage and publication according to law.

Motion was made by Councilmember Okray to approve OR-16-024. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1 with Councilmember Young opposing.

OR-16-025 Consider an ordinance granting an electric franchise to Bartlett Electric Cooperative, Inc. (1st of 3 Readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE TO BARTLETT ELECTRIC COOPERATIVE, INC.; PROVIDING FOR A FEE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES

Staff comments: Traci Briggs

Bartlett Electric Cooperative, Inc. (“Bartlett”) serves areas in the southern portions of the City that became part of the City through annexation. City staff has negotiated with Bartlett representatives to prepare the proposed franchise. The fee received by the City will be four percent (4%) of the gross receipts from the sale of electricity within the City limits, with payments made annually. The City Charter requires three (3) readings of a franchise ordinance. The three readings will be December 13, 2017; January 10, 2017; and January 24, 2017. It is proposed that this ordinance be effective March 25, 2017. Staff recommends the City Council approve the proposed franchise ordinance.

Motion was made by Councilmember Okray to approve the first reading of OR-16-025. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:31 p.m.

MEMORANDUM FOR
RECORD
RS-16-150, 12-13-16

January 20, 2015, a Special Council workshop was held to present the proposed Heritage Oaks Hike and Bike Trail (RS-15-008). By consensus, the City Council indicated an allocation of \$1,300,000 for the Heritage Oaks Park Project. The City Council also authorized Staff to enter into negotiation for the design of the proposed Hike and Bike Trail portion of the project and supported the submission of an application for the TxDOT 2015 TAP Call for Projects.

The overall nine-mile multi-use trail plan consists of five segments: Segment 1- US 190 to Stagecoach Road, part of the US 190/FM 2410/Rosewood Drive Pass Through Funding (PTF) Project; Segment 2- Rosewood Drive from Stagecoach Road to Chaparral Road, part of the Rosewood Drive Extension Project; Segment 3- Rosewood Drive and Chaparral Road to the eastern boundary of investment property, part of the Chaparral Road Widening Project; Segment 4- KISD Elementary School south to US Government property in Bell County; and Segment 5- US Government property in Bell County to Stillhouse Hollow Lake. At the time of the consideration (RS-15-008), I assumed that funding for the remaining segments orbited in the price range of Segment 3, in total, an additional encumbrance of \$1.6 million.

To meet the spirit of the TxDOT/KTEMPO goal, priority consideration was given to projects that requested federal funding only for construction-associated costs. The total construction estimate of the associated project given at that time was \$3,500,000. The City was to provide approximately \$1,000,000 or twenty-nine percent of construction-related costs, \$2,500,000 or seventy-one percent reimbursement of the project's construction costs as the project progressed. \$1,300,000 was the cost briefed to council.

At the time, my support of the TAP Application, Call for Projects and support specifically for the Heritage Oaks Hike and Bike Trail was subject to emplacement of new revenue generating streams. Since that time, Council has enacted Impact Fess. However, associated rates for the fees remain at zero. Aside revenues generated from ratepayers and the ability to fund through Certificates of Obligations or General Bonds, we have the ability to match TAP Applications through refunding agreements. Impact Fees and Transportation Utility Fees reasonably and purposefully implemented through Chapter 25 and 26 of the Code of Ordinances in conjunction with more purposeful and meaningful enforcement of ordinance plausibly generate additional revenue streams in order to better provision ourselves for capital improvements and to revitalize capital already "bought and paid for".

I understand the concept of the decision of January 15, 2015. However, fundamental disagreement remains when considering the Parks and Recreation Master Plan. Should we address whether or not we are adequately and equally distributing the Federal and State funding opportunities in regard to north and south Killeen? For example, in addressing the basic needs of the AA Lane Neighborhood Park in a memorandum submitted in May 14, 2014, I attempted to provide perspective. At the time, the dollar value given to improve the park was \$750,000. Since then various rates have increased. This body has also considered and rejected a Transportation Utility Fee. We have also received the Parks and Recreation Master Plan suggesting the addition of parks in the southeast and southwest portions of our city. However, The Plan provides scant-to-none mention of consolidating, reorganizing, realigning, or closing existing park infrastructure or the viability of integrating existing park infrastructure into the Hike and Bike Trail System.

During other occasions of work and decision I have stated that my intent is not to complain about or impede the growth of our city. However, criticism will remain constant as projects such as the Heritage Oak Hike and Bike Trail Project remain constant with apparent modes of funding rely on sequences of refinancing agreements left and encumbered for another fiscal year in which to finance them.

We deftly move forward with the Heritage Oaks Hike and Bike Trail Project. I believe that the roadway extension, movement over the road, is a greater priority and have greater value to the city in the long-term. I also believe that in moving forward, fee structures (Impact Fees) above zero should be incorporated sooner than the time given for their incorporation, given the at least three year time span since their consideration and the completion of their rate study. Capital Improvement is constant and our growth will not be impeded. However, we need to position ourselves beyond reliance on refunding agreements in order to keep up with growth and sustain fiscal viability.

Jonathan L. Okray


Councilmember At-Large

While I understand the rationale behind this budget amendment request, I have concerns about its timing. The City determined on August 12 that the level of response required professional assistance.

The contractor in question was dispatched and began offering services an entire month prior to the City Council adopting the budget and plan of municipal services for fiscal 2017 on September 13th.

Although the final costs of these professional services were not known, I do feel that this expenditure request as an estimate could've been discussed and included in the City Council's deliberations during the budget season.

Over the past several years, I have seen time after time, high-ticket expenditure requests come before this governing body at what seems to be very strategically determined times.

These concerns have led me to oppose this agenda item.

Best,

Gregory Johnson
Killeen City Councilmember, At Large
254-702-5162



City of Killeen

Legislation Details

File #: RS-17-001 **Version:** 1 **Name:** Trimmier Rd Widening CO #11
Type: Resolution **Status:** Resolutions
File created: 10/31/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the execution of Change Order No. 11 to McLean Construction, Inc. for the Trimmier Road Widening Project.
Sponsors: Public Works Department, Transportation Division
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Change Order](#)
[Change Order Tracking](#)
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 11 TO MCLEAN CONSTRUCTION, INC, FOR THE TRIMMIER ROAD WIDENING PROJECT

ORIGINATING DEPARTMENT

PUBLIC WORKS - TRANSPORTATION DIVISION

BACKGROUND INFORMATION

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

On May 30, 2013, the Killeen-Temple Metropolitan Planning Organization (KTMPPO) distributed nomination forms for the Statewide Transportation Planning Metropolitan Mobility (STP-MM) Category 7 funds, an opportunity to help fund the projects within the Trimmier corridor. On September 10, 2013, City Council authorized submission of an application to participate in the KTMPPO (STP-MM) Category 7 funds project call (CCM/R 13-103R) to fund a portion (US 190 to Bacon Ranch Road) of the Trimmier Road Widening Project. The City Council also expressed its commitment to fund the remaining portion of the project (consisting of two parts of Trimmier: Bacon Ranch Road to Elms Road and US 190 to Jasper Road). On September 18, 2013, the KTMPPO awarded \$2,000,000 to the City of Killeen for the Category 7 project with a City match for the estimated balance of the portion of the project submitted. The portion of the project from US 190 to Bacon Ranch Road was estimated to total \$3,464,243, minus the \$2,000,000 Category 7 award and \$156,047 of TxDOT indirect costs, leaving a City match amount of \$1,308,196. The match and the remainder of the project were to be funded out of Certificates of Obligation indicated by the Reimbursement Resolution approved by City Council on February 25, 2014 (CCM/R 14-023R).

Prior to these actions, several City Council members had voiced concerns and City staff actions were begun to address traffic congestion, pedestrian improvements, and safety concerns on W. S. Young Drive, Lowe's Boulevard and the Trimmier corridors.

In relation to W.S. Young Drive, on January 26, 2007, the City Manager executed a professional services contract to design the widening of W. S. Young Drive from Bacon Ranch Road to Little Nolan Road. The purpose of this project was to improve the sight distance throughout this corridor and mitigate the potential for vehicular accidents. The installation of a continuous left

hand turn lane was intended to improve the sight distance for drivers turning from Bacon Ranch Road northbound onto W.S. Young Drive and the general traffic flow in the area.

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

As all of the above-described projects are either contiguous projects or in the same general vicinity and designed by the same firm, City staff proposed that they be combined into one bid package. Including these projects, as recommended, eliminates duplicity of effort and improves coordination for traffic control and construction project sequencing.

Following the above actions, on February 25, 2014, a Reimbursement Resolution was approved by City Council whereby a portion of a future Certificate of Obligation Bond issuance would be used for street improvements. The action proposed that the City's general fund advance funds for the projects identified; when proceeds from the sale of the Certificates of Obligation Bonds were received, any amounts previously advanced from the general fund would be repaid to the general fund (CCM/R 14-023R). On March 11, 2014, a required initial payment of \$37,448 from the City to the Texas Department of Transportation (TxDOT) for design review was authorized by City Council to be sent with an executed Advance Funding Agreement (CCM/R 14-029R) to secure the Category 7 funds previously discussed. The construction plans were then subsequently submitted to, and approved by, TxDOT. At that time, TxDOT authorized the City to proceed with the bidding process.

The City advertised for bids on July 27, 2014, August 3, 2014, and August 10, 2014. On August 28, 2014, at 3:15 p.m., bids were opened and read aloud for the construction of the Trimmier Road Widening Project. On September 23, 2014, the City Council authorized awarding a construction contract to McLean Construction, Inc. in the amount of \$6,845,845.00 (CCM/R 14-129R).

DISCUSSION/CONCLUSION

Change Order No. 11 will add plan quantities for items of work on the Trimmier Road portion of the Trimmier Road Widening project. This change order is recommended due to regulation changes requiring pedestrian push buttons and pole locations and the necessity of additional conduit to remove hazardous splicing beneath the roadway.

FISCAL IMPACT

The total cost of the project before this Change Order request was \$7,428,972.05. The total cost of this change is a net increase in the amount of \$97,905.10, resulting in a total contract price of \$7,551,654.15 or a cumulative 10.31% increase to the original contract. Funding is available in the Certificate of Obligation 2014, Trimmier Bond account number 347-3490-800.58-76 in the amount of \$539,867.

RECOMMENDATION

City staff recommends the City Council authorize the City Manager to execute Change Order No. 11 with McLean Construction, Inc., increasing the cost of the contract by \$97,905.10.

CHANGE ORDER

No. 11

OWNER: CITY OF KILLEEN
CONTRACTOR: McLean Construction, Inc
Contract: CSJ 0909-36- 147 RPIC: William K. Swearingen, Jr., P.E.
Project: Trimmier Road Widening
OWNER's Contract No. 313-002 OWNER's Bid No. 14-14
ENGINEER: William K. Swearingen, Jr, P.E. ENGINEER's Contract No. N/A

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

Description: This change order will add bid item quantities to the Trimmier Road portion of the Trimmier Road Widening project. See attached Bid Items Worksheet.

Reason for Change Order: This change is because of regulation changes required for pedestrian push buttons and pole locations, and adding additional conduit to remove splicing beneath the roadway.

Attachments: Bid Items worksheet.

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>6,845,845.00</u>
Net Increase (Decrease) from previous Change Orders No. <u>1</u> to <u>10</u> : \$ <u>607,904.05</u>
Contract Price prior to this Change Order: \$ <u>7,453,749.05</u>
Net increase (decrease) of this Change Order: \$ <u>97,905.10</u>
Contract Price with all approved Change Orders: \$ <u>7,551,654.15</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>572</u> Ready for final payment: <u>602</u> (days or dates)
Net change from previous Change Orders No. <u>1</u> to No. <u>10</u> : Substantial Completion: <u>373</u> Ready for final payment: <u>373</u> (days)
Contract Times prior to this Change Order: Substantial Completion: <u>945</u> Ready for final payment: <u>975</u> (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: <u>0</u> Ready for final payment: <u>0</u> (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>945</u> Ready for final payment: <u>975</u> (days or dates)

RECOMMENDED:

By: _____
ENGINEER (Authorized Signature)
Date: _____

APPROVED:

By: _____
TxDOT (Authorized Signature)
Date: _____

ACCEPTED:

By: _____
CONTRACTOR (Authorized Signature)
Date: _____

APPROVED:

By: _____
OWNER (Authorized Signature)
Date: _____

JOB NAME: TRIMMIER ROAD - CO#11

CSJ: 0909-36-147

Changes to Trimmer Road portion only

Line No.	Item No.	Description	Bid Quantity	Previous Quantity	Proposed C/O Quantity	Proposed Quantity	UOM	Unit Price	Proposed Reduced Amount	Proposed Added Amount	Proposed Total Amount
(63)	620-2009	ELEC CONDR (NO. 6) BARE	275	275	36	311	LF	2.10		75.60	75.60
(65)	620-2011	ELEC CONDR (NO. 8) BARE	1310	1310	2255	3,565	LF	1.40		3,157.00	3,157.00
(66)	620-2012	ELEC CONDR (NO. 8) INSULATED	965	965	1003	1,968	LF	1.70		1,705.10	1,705.10
(68)	624-2012	GROUND BOX TY C (162911) W/APRON	8	8	1	9	EA	1,008.00		1,008.00	1,008.00
(69)	624-2034	REMOVE EXISTING GROUND BOXES	2	2	4	6	EA	168.00		672.00	672.00
(97)	680-2003	INSTALL HWY TRF SIG (SYSTEM)	3	3	1	4	EA	20,160.00		20,160.00	20,160.00
(104)	682-2027	VEH SIG SEC (12 IN) LED (RED)	24	24	-5	19	EA	224.00	-1,120.00		-1,120.00
(105)	682-2043	PED SIG SEC (12") (2 IND) (HOUSING ONLY)	22	22	4	26	EA	477.00		1,908.00	1,908.00
(106)	682-2066	PED SIG SEC (12 IN) LED (COUNTDOWN)	22	22	4	26	EA	314.00		1,256.00	1,256.00
(107)	684-2010	TRF SIG CBL (TY A) (12 AWG) (5 CONDR)	2010	2010	3656	5,666	LF	3.40		12,430.40	12,430.40
(108)	684-2012	TRF SIG CBL (TY A) (12 AWG) (7 CONDR)	1515	1515	28	1,543	LF	4.50		126.00	126.00
(109)	685-2005	RLCT RDSD FLASH BEACON ASSM(SOLAR PWRD)	1	1	1	2	EA	896.00		896.00	896.00
(114)	687-2001	PED POLE ASSEMBLY	3	3	13	16	EA	3,248.00		42,224.00	42,224.00
(118)	6266-2005	VIVDS COMMUNICATION CABLE (COAXIAL)	915	915	1635	2,550	LF	3.40		5,559.00	5,559.00
(120)	8346-2001	ETHERNET CABLE CAT 5	120	120	160	280	LF	3.40		544.00	544.00
(123)	8835-2001	ACCESSIBLE PEDESTRIAN SIGNAL UNITS	22	22	4	26	EA	1,568.00		6,272.00	6,272.00
(143.21)	682-2026	VEH SIG SEC (12IN) LED (RED) ARROW	0	0	4	4	EA	258.00		1,032.00	1,032.00
TOTAL									-1,120.00	\$99,025.10	97,905.10

CHANGE ORDER(S) FOR Trimmer Road Widening Project

(Project Name)

Department/Division:	Public Works	Bid No.:	14-14	NOTE 1. If individual Change Order request is ≥ \$50,000, please attach CCMR in front of Change Order request for Council approval 2. If, cumulatively, Change Orders are ≥ 25% of awarded contract amount please attach CCMR in front of Change Order request for Council approval
Vendor Name:	McLean Construcion	CCMR No.:	14-129R	
Original Contract Amount:	\$6,845,845.00			
Date CCMR Approved:	09/23/14			

HISTORY OF CHANGE ORDERS

CO#	Proposed or Approved	Date CCMR Approved	CCMR#	Amount	Account Number <small>(xxx-xxxx-xxx-xx.xx)</small>	BRIEF Reason for Change Order Request (must fit in allotted space)	Updated Contract Amount	% Change in Contract
1	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/01/15		\$0.00	347-3490-800.58-76	Add 147 days to contract time	\$6,845,845.00	0.00%
2	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	10/17/15		\$35,978.00	347-3490-800.58-76	8" , 4,000 psi Concrete Roadway pavement + 30 days	\$6,881,823.00	0.53%
3	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/25/15		\$401,246.50	347-3490-800.58-76	Lowe's Blvd Extension and N/S Connector Road revisions	\$7,283,069.50	6.39%
4	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	02/24/16		\$98,986.85	347-3490-800.58-76	Trimmer Road waterline and storm drainage revisions	\$7,382,056.35	7.83%
5	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	02/24/16		-\$6,590.50	347-3490-800.58-76	Adds/Deducts and Guard Rail	\$7,375,465.85	7.74%
6	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	04/05/16		\$7,675.00	347-3490-800.58-76	Trimmer Road waterline and storm drainage revisions	\$7,383,140.85	7.85%
7	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	04/05/16		\$30,971.20	347-3490-800.58-76	Adds/Deducts and Waterline Relocation at Lowes Blvd.	\$7,414,112.05	8.30%
8	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/13/16		\$14,860.00	347-3490-800.58-76	Lowering of waterline/adjust traffic signal conduits	\$7,428,972.05	8.52%
9	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	08/04/16		\$24,777.00	347-3490-800.58-76	Quantities change for Walmart Boulevard traffic signalization	\$7,453,749.05	8.88%
10	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved	N/A		\$0.00	347-3490-800.58-76	Change Order #10 was not approved by City Council	\$7,453,749.05	8.88%
11	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Approved			\$97,905.10	347-3490-800.58-76	Traffic Signal changes for future Maintenance Costs	\$7,551,654.15	10.31%

Vendor Signature/Date _____

Dept. Head Signature/Date _____

Recommended:

Recommended:

Purchasing Manager/Date _____

Director of Finance/Date _____

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:
2016-129621

Date Filed:
10/27/2016

Date Acknowledged:

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

McLean Construction
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.

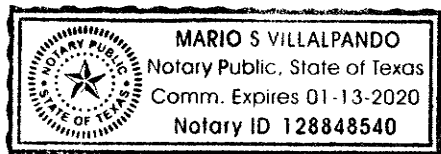
CSJ 0909-36-147
Trimmier Road Signals CO #11

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



AFFIX NOTARY STAMP / SEAL ABOVE

[Handwritten Signature]

Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Stere Shepherd, this the 27 day of Oct, 2016, to certify which, witness my hand and seal of office.

[Handwritten Signature] _____
Signature of officer administering oath

Mario S. Villalpando _____
Printed name of officer administering oath

Title of officer administering oath



City of Killeen

Legislation Details

File #: RS-17-002 **Version:** 1 **Name:** Miller Uniform Purchase
Type: Resolution **Status:** Resolutions
File created: 12/14/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the purchase of uniforms for the Killeen Fire Department for fiscal year 2016-2017.
Sponsors: Fire Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Buy Board - Miller Uniforms](#)
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Approval of purchase exceeding \$50,000 for Fire Department uniforms

ORIGINATING DEPARTMENT

Fire Department

BACKGROUND INFORMATION

Since 2009, the Fire Department has purchased its uniforms from Miller Uniforms and Emblems, Inc., the awarded supplier through a public safety uniform bid. The uniforms purchased are necessary to ensure all emergency service personnel are readily identifiable to the public as well as to maintain the professional appearance of KFD personnel. This fiscal year Miller Uniforms and Emblems, Inc. became a member of the Texas BuyBoard, a purchasing cooperative.

DISCUSSION/CONCLUSION

The Fire Department is requesting authority to purchase uniforms from Miller Uniforms and Emblems, Inc. in an amount exceeding the \$50,000 threshold for which Council approval is required. Miller Uniforms and Emblems, Inc. is a member of the Texas Association of School Boards (TASB) BuyBoard, therefore making this purchase exempt from state and local bidding requirements as found in The Texas Local Government Code 252.022. Miller Uniforms and Emblems' Buyboard contract, # 432-13, is effective through March 31, 2017.

FISCAL IMPACT

Funding for Fire Department uniforms is included in the 2016-2017 Uniform and Clothing budget (010-7070-442.41-20) in the amount of \$164,058 for fiscal year 2016-2017. The anticipated purchase amount for uniforms is \$100,000.

RECOMMENDATION

The city staff recommends that the city manager be authorized to execute the purchase of uniforms from Miller Uniforms and Emblems, Inc. through the remainder of its BuyBoard Cooperative Contract expiring March 31, 2017.



Phone: 800-695-2919
 Fax: 800-211-5454
 Email: info@buyboard.com

Welcome **Lorianne** [Log Off]

[Administration](#)

[RFQ](#)

[Purchase Order](#)

[Reports](#)

[Shopping Cart](#)

[Help](#)

Vendor Contract Information

[Back](#)

Search:

- All
 Vendor Discounts Only
 Catalog Pricing Only

Refine Your Search:

Vendors

Miller Uniforms & Emblems Inc.[X]

Price Range

Show all prices

Category

None Selected

Contract

None selected

Additional Searches:

[Search by Vendor](#)

[Browse Contracts](#)

[Additional Resources](#)

Vendor Name: Miller Uniforms & Emblems Inc.

Address: 826 Rutland Dr
 Austin, TX 78758

Phone Number: (512) 302-5541

Email: Bobmiller@milleruniforms.Com

Website: <http://www.milleruniforms.Com>

Federal ID: 74-2493737

Contact: Bob Miller

Accepts RFQs: Yes

Minority Owned: No

Women Owned: No

Service-Disabled Veteran Owned: No

EDGAR: No

Contract Name: Public Safety & Fire House Supplies & Equipment

Contract Description: Full line of law enforcement and fire fighting supplies, equipment, & uniforms; firearms; ammunition; riot/body armor; vehicle equipment; thermal imaging; bike patrol; drug testing; speed enforcement; traffic signal; service/repair & installation

Contract#: 432-13

Effective Date: 04/01/2014

Expiration Date: 03/31/2017

Payment Terms: Net 30 days

Delivery Days: 45

Shipping Terms: Pre-paid and added to invoice

Freight Terms: FOB Destination

Ship Via: Common Carrier

Region Served: All Texas Regions

States Served: Texas

Quote Reference Number: 432-13

Return Policy: Case by case

Additional Dealers: Miller Uniforms, Houston, TX

Contract Documents

EDGAR Notice: [Click to view EDGAR Notice](#)

Proposal Documents: [Click to view BuyBoard Proposal Documents](#)

Regulatory Notice: [Click to view Bonding Regulatory Notice](#)

Contact us 800-695-2919

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.

Miller Uniforms & Emblems, Inc
Austin, TX United States

Certificate Number:
2016-145883

Date Filed:
12/13/2016

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.

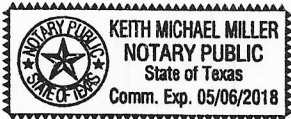
432-13
Public safety uniforms

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.

Robert A Miller

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Robert A Miller, this the 13th day of December, 2016, to certify which, witness my hand and seal of office.

[Signature]
Signature of officer administering oath

Keith Miller
Printed name of officer administering oath

Treasurer
Title of officer administering oath



City of Killeen

Legislation Details

File #: RS-17-003 **Version:** 1 **Name:** Daily Wells Radio CCMR
Type: Resolution **Status:** Resolutions
File created: 12/14/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: Consider a memorandum/resolution for the purchase of portable radios and mobile/vehicle mount units for the Fire Department.
Sponsors: Fire Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Quote](#)
[Sole Source](#)
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Radio and mount unit purchase through Daily-Wells Communications

ORIGINATING DEPARTMENT

Fire Department

BACKGROUND INFORMATION

Approximately 70% of the Killeen Fire Department's portable and mobile radios are Ericsson LPE 50 and LPE 200 radios. These radios have reached the end of life and are no longer being produced nor do they have available parts for repair. The Bell County Communications Center (BCCC) has completed the build-out of the first phase of P25 upgrade and is scheduled to go online in the spring of 2017.

The radios needing to be purchased will be multi-band radios which allow us to meet our communication needs when we respond to Fort Hood for Automatic or Mutual Aid and when we are requested to deploy on State or FEMA deployments during emergencies. The Killeen Fire Department also requires all firefighters operating on an emergency scene to be equipped with and utilize a hand held radio for the purpose of remaining in constant contact with the incident commander for safety purposes.

The Killeen Fire Department is requesting to purchase 70 portable radios and 2 mobile/vehicle mount units from Daily-Wells Communications, who is the sole source provider of the Harris Radio Corporation. The Harris brand radios are the recommended radios to use with the proprietary radio system at the Bell County Communications Center.

DISCUSSION/CONCLUSION

General exemptions from the competitive bid/proposal are referenced in the Texas Local Government code section 252.002, and as stated, Daily-Wells Communications meets the sole source procurement rule.

Shown below is the breakdown of cost for the purchase of 70 portable radios and two (2) mobile/vehicle mount units. The breakdown below also shows a trade-in value for radios that KFD can no longer utilize; this special trade-in value is valid until January 31, 2017.

Item Description	Quantity	Unit Cost	Total Cost
XG-75Pe Portable- 700/800 MHz-EDACS	70	\$3,187.51	\$223,125.70
XG-75M/M7300 Mobile-700/800 MHz-EDACS	2	\$3,806.26	\$7,612.52
		Sub-Total	\$230,738.22
		Trade-In	(\$50,800)
		Total	\$179,938.22

FISCAL IMPACT

Funding of \$180,000 in the Fire Department's New Radio account (010-7070-442-46.30) for fiscal year 2016-2017 is available to accommodate the purchase price of \$179,938.22 for the purchase of 70 portable radios and two (2) mobile/vehicle mount units from Daily-Wells Communications.

RECOMMENDATION

The city staff recommends that the city manager be authorized to execute the purchase of 70 portable radios and two (2) mobile/vehicle mount units from Daily-Wells Communications, and that he is further authorized to execute any and all change orders authorized by law.

DAILEY-WELLS COMMUNICATIONS

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



To: Killeen Fire Dept- Captain Randy Pearson

From: Larry Sayles, 405-204-0347

Date: 12-Dec-16

Special Limited Time Offer

XG-75Pe Portable - 700/800 MHz - EDACS ProVoice, P25 Phase 1 & 2 Trunking -Single Key DES Encryption

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	EVXG-PB78YE	PORTABLE,XG-75PE,768-861MHZ,SCAN,BLK-YEL	70	\$ 1,995.00	25%	\$ 1,496.25	\$ 104,737.50
2	EV-PA3Y	BATTERY,LI-ION,2000 MAH,HAZLOC C1D1,UL	70	\$ 190.00	25%	\$ 142.50	\$ 9,975.00
3	MAEV-NNC5X	ANTENNA,764-870 MHZ,1/4 WAVE,WHIP,FM	70	\$ 40.00	25%	\$ 30.00	\$ 2,100.00
4	MAEV-PKGED	Feature Package,EDACS Trunking	70	\$ 1,100.00	25%	\$ 825.00	\$ 57,750.00
5	MAEV-PKGPT	Feature Package,P25 Trunking	70	\$ 1,100.00	100%	\$ -	\$ -
6	EVXG-NPL4F	Feature, P25 PHASE 2 TDMA	70	\$ 250.00	25%	\$ 187.50	\$ 13,125.00
7	MAEV-NPL5K	Feature,ProFile OTAP Over-the-Air Prgm	70	\$ 265.00	25%	\$ 198.75	\$ 13,912.50
8	EV-PL4U	Feature, Single-Key DES Encryption	70	\$ 0.01	25%	\$ 0.01	\$ 0.70
9	MAEV-NHC2C	Case,Leather,w/Belt Loop,P7300	70	\$ 130.00	25%	\$ 97.50	\$ 6,825.00
10	EV-PA4B	BATTERY,LI-ION,2000MAH,SPARE,HAZLOC,UL	70	\$ 140.00	25%	\$ 105.00	\$ 7,350.00
11	MAEV-NCH9T	Charger,Single,Tri-Chem	70	\$ 120.00	25%	\$ 90.00	\$ 6,300.00
12	MAEV-NHC2G	Belt Clip,Standard,P7300	70	\$ 20.00	25%	\$ 15.00	\$ 1,050.00
SUB TOTAL							\$ 223,125.70
TRADE-IN							\$ (49,000.00)
TOTAL							\$ 174,125.70

Mobile/Vehicle Mount Units

XG-75M/M7300 Mobile 700/800 MHz, EDACS, P25 Phase 1 & 2 Trunking,Single Key DES - Remote Mount

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	MAMW-SDMXX	MOBILE,XG-75M/M7300,764-870MHZ,HALF DPLX	2	\$ 2,300.00	25%	\$ 1,725.00	\$ 3,450.00
2	MAMW-PKGED	Feature Package,EDACS Trunking	2	\$ 1,100.00	25%	\$ 825.00	\$ 1,650.00
3	MAMW-PKGPT	Feature Package,P25 Trunking	2	\$ 1,100.00	100%	\$ -	\$ -
4	MW-PL4F	Feature, P25 Phase 2, TDMA	2	\$ 250.00	25%	\$ 187.50	\$ 375.00
5	MAMW-NPL5K	FEATURE,PROFILE OVER-THE-AIR-PROGRAMMING	2	\$ 265.00	25%	\$ 198.75	\$ 397.50
6	MW-PL4U	Feature, Single-Key DES Encryption	2	\$ 0.01	25%	\$ 0.01	\$ 0.02
7	MAMW-NCP9E	Control Unit,CH721,Scan,Remote Mount	2	\$ 720.00	25%	\$ 540.00	\$ 1,080.00
8	MAMW-NZN7R	ACCESSORIES,XG-75M/M7300 REMOTE MOUNT	2	\$ 360.00	25%	\$ 270.00	\$ 540.00
9	MAMW-NMC7Z	MICROPHONE,STD,STRAIGHT CONNECTOR	2	\$ 80.00	25%	\$ 60.00	\$ 120.00
SUB TOTAL							\$ 7,612.52
TRADE-IN							\$ (1,800.00)
TOTAL							\$ 5,812.52

Quote # KFD-XG75P-M-121216

Antennas Not Included with Mobiles- City of Killeen has been purchasing them direct.

Special one time Trade-in Prices for Killeen Fire valid until January 31, 2017.

Trade-in special pricing is available to Bell County Communications System users only.

Trade-in units must be able to power up and be from agencies existing radio inventory.

Trade-in units can be a mix of mobiles and portables on a one for one bases.

Shipping: FOB Dest- Pre-Pay and Add to Invoice

Terms: Net 30 days

City of Killeen
Sole/Single Source Purchase Form

Vendor Name: Dailey-Wells Communications
Vendor Contact: Brian Beatty
Phone: 972-550-2302 FAX: 972-550-2364

Check one: This is a recurring procurement from 10/16 to 10/17 (cannot exceed 1 yr)
(mm/yy) (mm/yy)

OR

This is a one-time procurement for this product or service. (Cost \$ _____)

Purpose: You will complete this form for procurements where the basis for the vendor selection is:

- 1) Only one *specific* supply or service that can reasonably meet your need
- 2) Only one vendor who can reasonably provide that supply or service

You MUST meet BOTH criteria to have a sole-source procurement.

You MUST meet criteria #1 to have a brand name sole source procurement.

Date of Request _____ Requisition or PO Number: _____
Requesting Department: Fire Department
Contact Name: Lorianne Luciano
Phone: 254-501-7696 Fax: _____
E-Mail: Lluciano@killeentexas.gov

Before a decision can be made to approve a request for Sole Source procurement, the following information is needed. Please provide all of the requested information on this form and submit it to the Purchasing Manager.

Note: A sole source justification cannot be based on price alone. If sole source is approved, your department will be required to make a determination that the price is fair and reasonable. Please submit applicable information on this form.

Note: If additional space is required, use additional sheets of paper and submit with this completed form.

1) NEEDS STATEMENT –

Describe in detail the product and/or service to be procured and how they meet your needs.

The radios will be used for emergency communications during calls for service. The Harris

brand radios are the only radios allowed for use with the proprietary radio system at the Bell County Communications Center. Daily-Wells is the sole source purchase and repair center for Harris Radio Corporation.

2) FEATURES REQUIREMENTS –

What unique design/performance features does this product/service have that are essential to your requirements? Please provide a brief yet technical explanation as to why these features are essential. Provide the manufacturer and model of your existing equipment. List the major features/capabilities of the product/service that are required:

The Harris radios are the only radios allowed on the Bell County Communications system.

3) COMPETING BRANDS INVESTIGATED –

What other suppliers did you contact? Did you consider other products or services with similar capabilities? Indicate the specific brands/models of competitors' products that were investigated and describe why, specifically, they do not meet some, or all, of the FEATURES REQUIREMENTS listed in Item #2. Requestor needs to state that to the best of his/her knowledge, these are the only companies that make this type of equipment. Please list sales representatives and telephone numbers so we may contact these vendors to verify that other products do not meet your needs.

See the attached sole source letter from Harris Communications.

4) BRAND NAME SOLE SOURCE –

Is the specific brand/model of product being recommended for procurement available from more than one source (i.e., dealers, distributors)? () Yes (X) No

If "Yes", this will be processed as a brand name sole source. Please provide the company names of known sources:

5) CONFLICT OF INTEREST STATEMENT -

The Department must have the vendor verify that there is no real or potential Conflict of Interest (CIQ) in recommending this product and/or service as a Sole Source procurement. If there is any potential for Conflict of Interest, the vendor is responsible for filling out a CIQ questionnaire.

6) SOLE SOURCE PURCHASE JUSTIFICATION MEMO-

Attach the memorandum from the vendor which addresses the five (5) criteria for justification of a sole source purchase, mentioned above.

Department Approval:

By signing below, the Department is certifying that the information submitted on this form is accurate. The final determination of sole source or brand name sole source will be made by the City Manager.

Kenneth Hawthorne 9/20/16
Signature (Department Head) Date

FOR PURCHASING DIVISION USE ONLY

RECOMMENDATION:

- Sole source approved – purchase as requested.
- Brand name approved – issue bid on a “no substitutes” basis.
- Sole Source not approved – issue bid using performance specifications.

[Signature] 9/21/16
Purchasing Manager Date

Recommend: Approval or Disapproval

[Signature] 10/4/16
Director of Finance Date Comments

Recommend: Approval or Disapproval

[Signature] 10-5-16
City Attorney Date Comments

Approved or Disapproved

[Signature] 10/5/16
City Manager Date Comments



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

September 19, 2016

Randy Jimenez
Purchasing Director
City of Killeen
101 N. College
Killeen, Texas 76541

Dear Mr. Jimenez:

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

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

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

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

Sincerely,

Brian Beatty
Manager Indirect Sales, Harris Corporation

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

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:
2016-145820

Date Filed:
12/13/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Dailey and Wells Communications, Inc.
San Antonio, 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 Texas

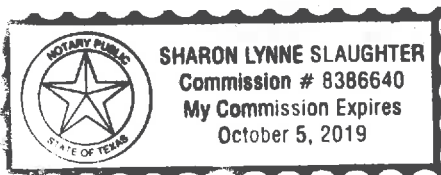
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
KFD-XG75P-M-121216
Two-Way Radio Equipment

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Wells, Richard	San Antonio, 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.



AFFIX NOTARY STAMP / SEAL ABOVE

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

Sworn to and subscribed before me, by the said Jim Sawyer, this the 13 day of December, 2016, to certify which, witness my hand and seal of office.

[Handwritten Signature] Signature of officer administering oath
 Sharon Slaughter Printed name of officer administering oath
 Notary Title of officer administering oath



City of Killeen

Legislation Details

File #: RS-17-004 **Version:** 1 **Name:** State Legislative Principles 85th Texas Legislative Session

Type: Resolution **Status:** Resolutions

File created: 1/4/2017 **In control:** City Council

On agenda: 1/10/2017 **Final action:**

Title: Consider a memorandum/resolution adopting State Legislative Principles for the 85th Texas Legislative Session.

Sponsors: Public Information Department, City Manager Department, City Council

Indexes:

Code sections:

Attachments: [Council Memorandum](#)
[Texas Legislative Process](#)
[City of Killeen State Legislative Principles](#)
[TML Legislative Priorities](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Consider a memorandum/resolution adopting State Legislative Principles for the 85th Texas Legislative Session

ORIGINATING DEPARTMENT

Public Information

BACKGROUND INFORMATION

The 85th Texas Legislative Session is January 10 through May 29. The Texas Legislature meets every two years and considers and passes legislation that impacts Killeen. The City of Killeen will work throughout the 85th Session to represent the interests of the citizens of Killeen related to their municipal government.

A formal list of State Legislative Principles has been developed to guide the City's efforts in the 85th Session. It enumerates positions of support and opposition that can be applied to proposed legislation. The City can then register its position during the legislative process.

The City of Killeen has engaged Schlueter Group for consulting and lobbying services since 2002. Adoption of State Legislative Principles for 2017 will provide guidance to help Schlueter Group effectively represent the City.

DISCUSSION/CONCLUSION

Adoption of State Legislative Principles will establish a framework for staff, elected officials and lobbyists to utilize in efforts in the 85th Texas Legislative Session. Enumerates positions of support and opposition, providing guidance and establishing expectations will assist the City of Killeen in successful representation at the state level.

FISCAL IMPACT

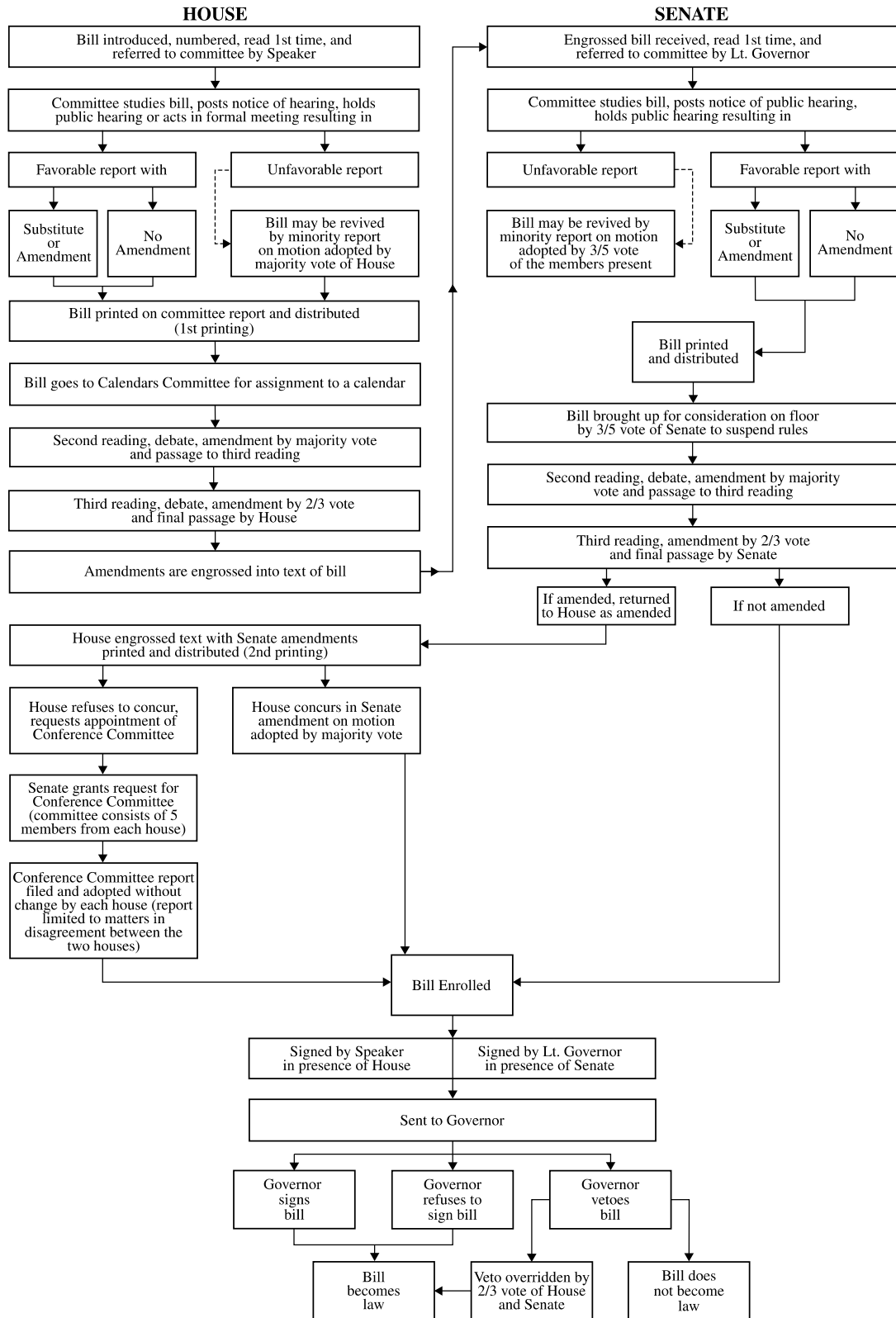
There is no fiscal impact

RECOMMENDATION

Staff recommends adoption of the resolution to establish State Legislative Principles for the 85th Texas Legislative Session.

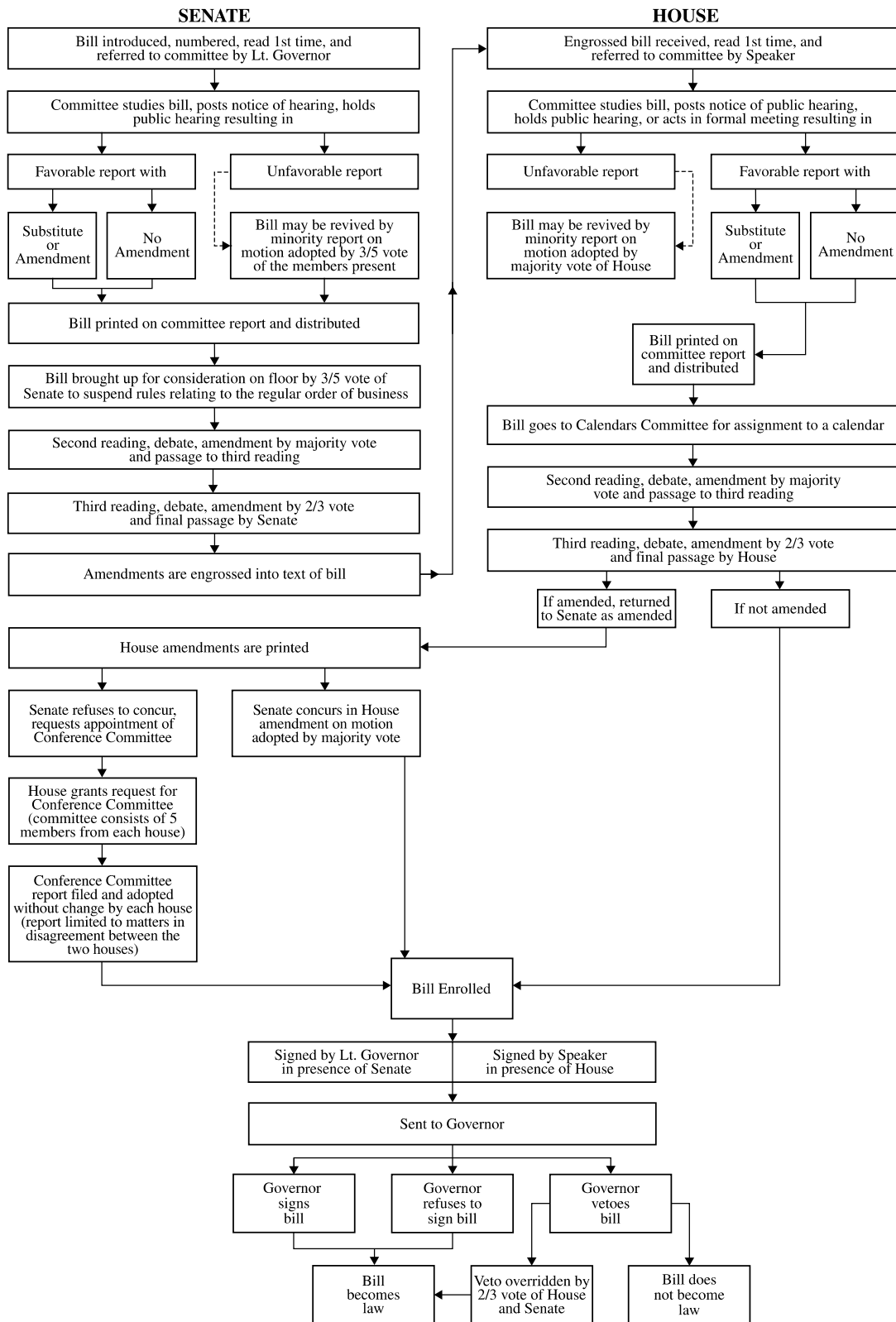
The Texas Legislative Process for House Bills and Resolutions

This diagram displays the sequential flow of a bill from the time it is introduced in the house of representatives to final passage and transmittal to the governor.



The Texas Legislative Process for Senate Bills and Resolutions

This diagram displays the sequential flow of a bill from the time it is introduced in the senate to final passage and transmittal to the governor.



The City of Killeen seeks to represent the interests of the citizens of Killeen related to their municipal government at the state level. This document sets forth the guiding legislative principles for City of Killeen efforts in the 2017 Texas Legislative Session.

- The City of Killeen supports legislation that would provide benefit to military communities.
- The City of Killeen supports legislation that would provide local relief for disproportionate impacts of state exemptions and programs.
- The City of Killeen supports legislation that would provide transportation funding for local projects.
- The City of Killeen supports legislation that would provide funding for local park, trail or public grounds projects.
- The City of Killeen supports legislation that would be beneficial to Texas A&M University-Central Texas, Central Texas College and/or Killeen Independent School District.
- The City of Killeen opposes legislation that would remove or limit local control or preempt local authority.
- The City of Killeen opposes legislation that would be detrimental to current or potential City revenue.
- The City of Killeen opposes legislation that would impose unfunded mandates.
- The City of Killeen opposes legislation that would erode zoning authority.
- The City of Killeen opposes legislation that would be detrimental to local economic development efforts.
- The City of Killeen opposes legislation that would create an adverse impact by imposing environmental or water restrictions or regulations.



Texas Cities Do the State's Local Work: Safe Communities, Essential Infrastructure, Vital Services

Cities, the government closest to the people, embody the idea that “We the People” should be in control. Cities provide the services that we cannot do without. Those services reflect the will of the local taxpayers. They are not the kind of services people think of when they say they want less government. **Put simply: City services are the nuts and bolts of our society.**

Starting with Texas' statehood in 1845, the legislature began creating cities to do its local work. **The Texas Municipal League now represents more than 1,100 cities of every size, shape, and service level.** The locally-elected city councils in those cities decide – based on the wants of their citizens – how to provide appropriate services.

They provide police and fire protection, the roads we drive on, local business development, the utilities we need to survive and prosper, the protection of property values through thoughtful rules that benefit everyone, and more. It costs money to provide these services, but **keeping taxes low while meeting citizens' demand for services** is a core value of city officials.

Cities don't typically seek funding from the state, and they receive virtually nothing from the state. What cities need in lieu of state funding is **to be treated as partners in keeping Texas great.** They want to continue providing local services in the way they were elected to do. That leads to the following legislative priorities:

1. Ensure that local decisions are made locally by supporting reasonable enhancements to regulatory authority and by opposing attempts to harm the ability of cities to:
 - Protect property values by imposing reasonable development standards;
 - Enact zoning ordinances; and
 - Respond to citizen demands for orderly development.
2. Protect and enhance essential infrastructure by opposing efforts to diminish municipal revenue and by supporting initiatives that will meet the needs of our cities for:
 - Streets, roads, and bridges;
 - Clean water;
 - Safe and effective wastewater treatment;
 - Stormwater management; and
 - Sustainable solid waste collection and disposal.
3. Ensure funding for vital community services by vigorously opposing efforts to erode revenue needed to:
 - Keep cities safe from crime;
 - Respond to emergencies;
 - Enhance economic growth and job creation;
 - Provide recreational facilities, parks, and libraries; and
 - Protect the natural environment.

**The City Message to Legislators is Clear:
Continue Partnering with Cities to do the State's Local Work**

To learn more, visit www.tml.org or call 512-231-7400
Legislative direct contact: Shanna Igo 512-750-8718

Texas Cities: Did You Know?

1. Texas cities **lead the nation in population growth**. In fact, six of the 13 fastest growing cities in the nation are in Texas and half of the 10 cities with the largest population gains are in Texas. On average, somewhere around **1,000 people are added to the Texas population each day**. [*U.S. Census Bureau.*]
2. **Seventy-four percent of Texas residents live in incorporated cities** (of which there are 1,215) and 89 percent of Texans live in urban areas. [*U.S. Census Bureau.*]
3. **From 1994 to 2013, the total city property tax levy rose an average of 5.83 percent per year**. This increase is closely aligned with Texas' population growth plus inflation over the same period of time, which averaged out to a 4.1 percent average yearly increase. [*Texas Comptroller, Biennial Property Tax report for 2012 and 2013, U.S. Census Bureau,, and U.S. Bureau of Labor Statistics*]
4. From 2011-2015, **total outstanding state debt increased by 16.27 percent**, total outstanding local debt increased by 12.3 percent, and **total outstanding city debt increased only by 10.1 percent**. [*Texas Bond Review Board, 2015 Annual Report and 2015 Local Annual Report.*]
5. Sixteen percent of property taxes statewide go to cities. **The majority of property taxes (55 percent) go to fund public schools**. Of the remainder, seventeen percent goes to counties, and 12 percent goes to special districts. [*Texas Comptroller, Biennial Property Tax report for 2012 and 2013.*]
6. **Texas cities receive virtually no financial assistance from the state**. In fact, Texas ranks 47th out of the 50 states in the amount of general revenue it receives from state government. [*National League of Cities, City and State Fiscal Structure (2015).*]
7. Using a unique concept dubbed “reverse intergovernmental aid,” the Texas Legislature requires **cities to generate and remit to the state over \$200 million annually to fund state programs**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
8. In fiscal year 2012, **cities pitched in more than \$112 million** in cash and much more in right-of-way donations and in-kind services **for state highway projects initiated by TxDOT**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
9. **Local economic development incentives dwarf the economic development incentives offered by the state**. [*Committee Testimony by Executive Director of Governor's Office for Economic Development and Tourism, House Economic and Small Business Development Committee (2014).*]



www.tml.org | 512-231-7400

November 2016



City of Killeen

Legislation Details

File #: OR-16-025 **Version:** 1 **Name:** Bartlett Franchise
Type: Ordinance **Status:** Ordinances
File created: 11/21/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: Consider an ordinance granting an electric franchise to Bartlett Electric Cooperative, Inc. (2nd of 3 Readings)
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		
12/13/2016	1	City Council		
12/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

An ordinance granting an electric franchise to Bartlett Electric Cooperative, Inc.

ORIGINATING DEPARTMENT

City Attorney

BACKGROUND INFORMATION

The City Charter states that the City has ownership and right of control and use of streets, highways, alleys, parks, public places, and all other real property. It further provides that the City Council may grant a right of use of City property to others for the purpose of furnishing to the public any general public service through a franchise.

Bartlett Electric Cooperative, Inc. ("Bartlett") serves areas in the southern portions of the City that became part of the City through annexation. Bartlett has not previously had a franchise with the City. Some portions of Bartlett's service area are also served by Oncor.

DISCUSSION/CONCLUSION

City staff has negotiated with Bartlett representatives to prepare the proposed franchise. The fee received by the City will be four percent (4%) of the gross receipts from the sale of electricity within the City limits, with payments made annually. Bartlett will add these fees to the bills of its customers, similar to the manner used by other franchisees to collect franchise fees. A conservative estimate of the annual fees to be collected is \$20,000.00.

The franchise term is proposed to expire on June 20, 2031, to match the City's other franchises. There is an automatic renewal term of three (3) months if not cancelled sixty (60) days before expiration.

The City Charter requires three (3) readings of a franchise ordinance, and the last reading must be not less than 30 days from the first. The three readings will be December 13, 2016; January 10, 2017; and January 24, 2017. A franchise does not take effect until 60 days after passage. It is proposed that this ordinance be effective March 25, 2017.

FISCAL IMPACT

As this is a new franchise, staff is unable to provide historical data. According to preliminary estimates, the annual fee paid by Bartlett is anticipated to be approximately \$20,000.00.

RECOMMENDATION

Recommend the City Council approve the proposed franchise ordinance.

AN ORDINANCE GRANTING AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE TO BARTLETT ELECTRIC COOPERATIVE, INC.; PROVIDING FOR A FEE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES

WHEREAS, Bartlett Electric Cooperative, Inc., a Texas non-profit electric cooperative corporation (“Grantee”), is in the business of supplying electricity for light, heat, power and other purposes, and has applied pursuant to Article XI of the City of Killeen’s Charter, Local Government Code Chapter 282, and Chapter 33 of the Texas Utilities Code for consent of the City of Killeen, Texas (“City”) to make use of its public ways for the purpose of providing such service within the City; and

WHEREAS, it is hereby found and determined by the City Council that it is in the best interests of the City that such consent be granted, subject to the terms and conditions provided herein; and

WHEREAS, the meeting at which this ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: *Findings.* The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: *Grant.* Subject to the provisions of the City’s Code of Ordinances, as such may be amended from time to time, Grantee is hereby granted the right, privilege and franchise to construct, maintain, and operate in the present and future streets, alleys and public ways (“Public Rights-of-Way”) of the City of Killeen, Texas (including, to the extent allowed by law, any area subsequently annexed into the City during the term of this franchise), electric, light and power lines, with all necessary or desirable appurtenances (including underground conduit poles, wires, transmission lines and other structures and telephone wires for its own use) (the “System”) for the purpose of supplying electricity to the said City, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes. This franchise does not confer upon Grantee the right, privilege or authority to provide data delivery service, cable television service, or telephone service, or to engage in any other business within the City other than the transmission and distribution of electric power as herein provided.

SECTION 3: *Term.* This franchise shall become effective upon the later of its passage and publication pursuant to the City’s Charter, and Grantee’s written acceptance as provided below, and unless sooner terminated as herein provided shall expire on June 30, 2031; provided that, unless either the City or Grantee gives written notice not less than sixty (60) days before the expiration of the term, the franchise shall be automatically renewed for an additional period of three (3) months from such expiration date, and shall be automatically renewed thereafter for like periods until canceled by written notice given not less than sixty (60) days before the expiration of any such renewal period.

SECTION 4: *Non-Exclusivity.* This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm or corporation, provided that such grant does not unreasonably interfere with the rights granted herein.

SECTION 5: *Rights Reserved.*

- A. The City reserves the right to lay, and permit to be laid, storm, sewer, gas, water, wastewater, voice, video, data and other pipelines, cable, and conduits or other improvements, and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, through or under Public Rights-of-Way occupied by Grantee. The City also reserves the right to change in any manner any curb, sidewalk, highway, alley, public way, street, utility lines, water or wastewater pipes, gas lines, storm sewers, drainage basins, drainage ditches, and the like. Upon request by City, Grantee shall relocate its facilities at Grantee's expense, to the extent provided by Section 37.101(c) of the Texas Utilities Code, or successor or similar legislation, as amended. When Grantee is required by City to remove or relocate its poles, towers, conduits, cables and other facilities to accommodate public right-of-way improvements, and Grantee is eligible under Federal, State, County, City or other local agencies or programs for reimbursement of costs and expenses incurred by Grantee as a result of such removal or relocation and such reimbursement is required to be handled through City, Grantee's costs and expenses shall be included in any application by City for reimbursement, if Grantee submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable notice to Grantee of the deadline for Grantee to submit documentation of the costs and expenses of such relocation to City. In the event of a conflict between this Franchise and an ordinance of the City addressing Public Rights-of-Way management, this Franchise shall control.

- B. If Grantee has spare ducts in its underground conduits or space on any of its poles not then necessary in the conduct of its business, it may permit the City to use one such duct in each conduit or reasonable communications space on poles, or both, for the City's police and fire alarm wires, traffic control wire or cable, fiber optic lines connecting City facilities or other similar, appropriate non-commercial, governmental use, and the City shall execute an attachment agreement with Grantee and pay Grantee a fair rental therefore. Upon notice by Grantee that such facilities have or will become necessary in the conduct of its business, the City shall cease its use of such facilities within ninety (90) days of such notice.

- C. If City abandons any public rights-of-way in which Grantee has facilities, such abandonment shall be conditioned on Grantee's right to maintain its use of the former public rights-of-way and on the obligation of the party to whom the public rights-of-way are abandoned to reimburse Grantee for all removal or relocation expenses if Grantee agrees to the removal or relocation of its facilities following abandonment of the public rights-of-way. If the party to whom the public rights-of-way are abandoned requests the Grantee to remove or relocate its facilities and Grantee agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another public right-of-way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

- D. If the City requires the Grantee to adapt or conform its facilities, or in any manner to alter, relocate or change its property to enable any entity other than the City to use, or use with greater convenience, said public rights-of-way, the Grantee shall not be bound to make such changes until such other entity shall have undertaken, with good and sufficient bond, to reimburse the Grantee for any costs, loss or expense which will be caused by, or arises out of such change, alteration or relocation of Grantee's property or facilities.

- E. Grantee retains all of its lawful authority and rights under the Public Utility Regulatory Act (“PURA”) and any other applicable laws, rules and regulations.

SECTION 6: *Service Standard.* Service furnished hereunder to the City and its inhabitants shall be first class in all respects considering all circumstances, and shall be subject to such reasonable rules and regulations as the City may make from time to time. Grantee shall at all times comply with all applicable laws and regulations, and shall at its sole expense maintain all licenses, permits and certifications necessary or appropriate for the exercise of its rights hereunder. However, this Franchise shall in no way affect or impair the rights, obligations or remedies of the parties under PURA, or other state and federal law, rules or regulations. Nothing herein shall be deemed a waiver, release or relinquishment of either party’s right to contest, appeal or file suit with respect to any action or decision of the other party, including ordinances adopted by the City that Grantee believes are contrary to any federal, state or local law, rules or regulations.

SECTION 7: *Installation and Maintenance.* All of Grantee’s poles, conduits, structures and other appurtenances shall be erected and maintained in good order and condition, and so as not to unreasonably interfere with traffic over Public Rights-of-Way, or present a danger to life or property. Grantee shall promptly restore any Public Rights-of-Way to at least the same condition as existed prior to any damage caused by the exercise of Grantee’s rights hereunder. Grantee shall obtain a permit from the City Manager or designee in compliance with the City’s Streets, Sidewalks and Miscellaneous Public Places Ordinance Sec. 25-52 prior to installation of any new facilities. If a permit is not issued by the City to Grantee within one (1) week of Grantee’s application for such permit, then the permit shall be deemed granted. The location of all poles, conduits, and other structures shall be subject to approval of the City’s Public Works Director, but not so as to unreasonably interfere with the proper operation of said lines. An approval by such Director, or any other agent of the City, of any part of Grantee’s performance shall not be construed to waive compliance with this franchise or to establish a standard of performance other than required by this franchise or by law. Pursuant to the City’s Streets, Sidewalks and Miscellaneous Public Places Ordinance Sec. 25-52, Grantee shall provide the Public Works Director once each calendar month electronic “as-built” files depicting new infrastructure installed in the City limits or its extraterritorial jurisdiction, and a report giving the location of each utility pole which Grantee has set in the right-of-way of any and all streets and alleys in the City during the preceding calendar month. In addition, each January Grantee shall provide the Public Works Director updated electronic files reflecting Grantee’s current infrastructure location maps. All electronic files shall be in PDF or other format reasonably acceptable to the City.

SECTION 8: *Tree Pruning.* Grantee shall have the right and privilege, insofar as the City is able to grant the same, in accordance with National Arborist Association standards, of the pruning of all trees which overhang the Public Rights-of-Way, in such a manner and to such extent as will prevent the branches or limbs or other parts of such trees from touching or interfering with its wires, poles and other fixtures and equipment.

SECTION 9: *Books and Records.* During the term of this franchise and for a minimum of two years thereafter, Grantee shall keep and maintain comprehensive records, accounts, and financial and operating reports in a manner that will allow the City to verify Grantee’s compliance with the terms of this franchise. The Finance Director shall, upon 15 days’ advance notice, have the right to inspect such records. In the event such Director determines that Grantee has not complied with any term or condition of this franchise, the Director shall have the right to use those records in any manner necessary to resolve Grantee’s noncompliance. If Grantee provides confidential or proprietary information to the City under this or any other provision of this franchise, Grantee shall be solely responsible for identifying such information with markings calculated to bring the City’s attention to the proprietary or confidential nature of the

information. The City agrees to maintain the confidentiality of any non-public information obtained from Grantee so designated to the extent allowed by law. City shall not be liable to Grantee for the release of any information the City is required to release by law, or that the City, after consultation with legal counsel, in good faith believes it is required by law to release. City shall endeavor to: (i) provide notice to Grantee of any request for release of information marked by Grantee as proprietary or confidential prior to releasing the information so as to allow Grantee adequate time to pursue available remedies for protection; and (ii) provide Grantee with a copy of any request the City submits to the Texas Attorney General seeking an opinion on the disclosure of such information.

SECTION 10: *Franchise Fees.* In consideration of the privilege and license granted by the City, Grantee agrees to pay and City agrees to accept franchise fees paid on an annual basis. Franchise fees shall be calculated as four percent (4%) of the gross receipts from the sale of electricity within the City limits for the calendar year January to December, in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general and special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements. The franchise fees hereunder shall be payable on or before the thirty first (31st) day of January following the year for which payment is made, beginning with the first such date following the Effective Date of this Franchise. However, the first such payment shall be prorated as necessary to reflect only those gross receipts received by the Grantee after the Effective Date of this Franchise. If any payment due date required herein falls on a weekend or bank holiday, payment shall be made on or before the close of business of the first working day after the payment due date. At the time such payment is delivered, Grantee shall file with the City a sworn report containing a detailed accounting of the calculated fee, together with such additional information as the City may reasonably require.

SECTION 11: *Late Fees; Audit Fees.* Grantee shall pay a late penalty calculated in accordance with the interest rate for customer deposits established by the Public Utility Commission of Texas ("PUC") in accordance with Texas Utilities Code Section 183.003 as amended, for the time period involved on franchise fee payments (or portions thereof) that are not timely received by the City. In addition, if the results of any audit indicate Grantee underpaid the franchise fee by more than five percent (5%), then Grantee shall pay the reasonable costs of the audit.

SECTION 12: *No Waiver.* No acceptance of payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this franchise or for the performance of any other obligation hereunder. Any overpayment to the City through error or otherwise will, at the sole option of the City, either be refunded or offset against the next payment due from Grantee. Waiver of the City's rights hereunder may only be effected by a written instrument approved by the City Council. The provisions of this Section will survive termination or expiration of this franchise.

SECTION 13: *Insurance.* Upon acceptance of this franchise by Grantee and before Grantee shall have any rights hereunder, Grantee shall file with the City a certificate of insurance evidencing General Liability Insurance which covers claims for bodily injury, property damage and death. Such insurance shall have minimum limits of \$1,000,000 per occurrence and be written by insurance companies authorized to do business in Texas and having a minimum A.M. Best rating of "A" Class "VII." All insurance contracts and certificates of insurance will: (i) name the City as an "additional named insured;" (ii) state that coverage shall not be canceled, nonrenewed or materially changed except after 30 days written notice by certified mail to the City; (iii) waive subrogation against the City, its officers, employees

and elected representatives; and (iv) provide that such insurance is primary insurance with respect to the City, its officers, employees and elected representatives. Grantee shall continuously and without interruption maintain in force the insurance coverage and limits required by this Section.

SECTION 14: *Release and Indemnity.* The rights granted by this franchise shall not create any additional liability to the City. **GRANTEE HEREBY RELEASES AND DISCHARGES THE CITY FROM AND FURTHER COVENANTS AND WARRANTS THAT IT WILL PROTECT, DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY, ITS AGENTS, OFFICERS, OFFICIALS, LEGAL REPRESENTATIVES, EMPLOYEES, INSURERS AND ASSIGNS (COLLECTIVELY REFERRED TO IN THIS SECTION AS “THE CITY”) FROM ANY AND ALL FINES, DEMANDS, DAMAGES, INJURIES OR CLAIMS AND CAUSES OF ACTION ARISING BY REASON OF OR IN CONNECTION WITH: (i) THE ACTUAL OR ALLEGED ERRORS, INTENTIONAL ACTS, OMISSIONS OR NEGLIGENT ACTS OF GRANTEE (INCLUDING ITS OFFICERS, AGENTS, BONDING COMPANIES, EMPLOYEES AND ANY OTHER PARTY EMPLOYED OR CONTRACTED BY GRANTEE TO PERFORM UNDER THIS FRANCHISE) RELATING TO THIS FRANCHISE; AND (ii) ANY ACTION OR FAILURE TO ACT BY GRANTEE (INCLUDING ITS OFFICERS, AGENTS, BONDING COMPANIES, EMPLOYEES AND ANY OTHER PARTY EMPLOYED OR CONTRACTED BY GRANTEE) TO PERFORM UNDER THIS FRANCHISE IN CONNECTION WITH THE SYSTEM OR THIS FRANCHISE. IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE OR FAULT OF BOTH THE CITY AND GRANTEE, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY OF THE DEFENSES OF THE PARTIES UNDER TEXAS LAW. FURTHER, IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE OR FAULT OF BOTH THE GRANTEE AND THE CITY, RESPONSIBILITY FOR ALL COSTS OF DEFENSE SHALL BE APPORTIONED BETWEEN THE CITY AND GRANTEE BASED UPON THE COMPARATIVE FAULT OF EACH.** This indemnity clause shall apply to Grantee whether Grantee is immune from liability or not. As to any matters arising under this indemnity provision for which Grantee has agreed to indemnify the City, Grantee shall have the right to select defense counsel, subject to City’s approval, which will not be unreasonably withheld. If Grantee fails to retain counsel within seven (7) business days of City’s written notice that City is invoking its right to indemnification under this franchise, City shall have the right to retain defense counsel on its own behalf, and Grantee shall be liable for all reasonable defense costs incurred by City, except as provided above as to joint and concurrent negligence or fault. Grantee’s liability under this indemnity clause is separate from its duties under the insurance provisions of this franchise. This section is solely for the benefit of the City and does not create or grant any rights, contractual or otherwise, to any other person or entity. The City and Grantee shall promptly advise each other in writing of any known claim or demand against Grantee or City related to or arising out of the Grantee’s activities in the Public Rights-of-Way. The obligations of this Section will survive the expiration or termination of this franchise.

SECTION 15: *Default and Remedies.* The City will give Grantee not less than 30 days’ written notice of any alleged default hereunder, provided that if the nature of the alleged default is such that the giving of such notice is impractical due to a threat of harm to life or property then the City shall give such notice as may be reasonable under the circumstances. If Grantee remains in default beyond any period provided for cure thereof, the City may terminate this franchise unless Grantee has commenced a cure and is diligently pursuing such cure. Termination is final upon the effective date of City Council adoption of an ordinance ratifying the termination. Upon any termination of this franchise, all amounts owed by Grantee to the City shall immediately become due and payable and Grantee’s obligation to pay such sums shall survive the termination of this franchise. Alternatively, the City, at its sole option

and discretion and without waiving such uncured default, may determine to: (i) maintain this franchise in full force and effect and file suit against Grantee for damages, specific performance, injunctive relief, or some combination thereof; (ii) or pursue such other remedies as may be available to the City at law or in equity, or both. The City's rights and remedies herein shall be in addition to, and not in limitation of, any other rights or remedies provided by law, in equity, or by administrative proceeding before the PUC, Federal Energy Regulatory Commission, or respective successor or similar governmental agencies.

SECTION 16: *Force Majeure.* Except as may be expressly provided otherwise, Grantee shall not be liable to the City for any failure of performance hereunder due to causes beyond Grantee's control, including but not limited to: (a) acts of God, fire, explosion, vandalism, storm, or other similar occurrences; (b) national emergencies, insurrections, riots, acts of terrorism, or wars; or (c) strikes, lockouts, work stoppage, or other labor difficulties. To the extent practicable, the Grantee shall be prompt in restoring normal conditions, establishing new schedules and resuming operations as soon as the force majeure event causing the failure or delay has ceased. Grantee shall promptly notify the City of any delay in performance under this Section and such failure's effect on performance required under this franchise.

SECTION 17: *Successors and Assigns.* The rights granted by this franchise inure to the benefit of Grantee and any entity controlling, controlled by, or under common control with Grantee. Upon any assignment such related entity assumes all obligations of Grantee hereunder and is bound to the same extent as Grantee hereunder. Grantee shall give City written notice within sixty (60) days of any such assignment. However, this provision is subject to, and nothing contained herein shall be interpreted to prevail over the rights of any lender to Grantee, including, but not limited to, the United States of America, acting through the Rural Utilities Service and/or the National Rural Utilities Cooperative Finance Corporation or their successors, by virtue of 7 U.S.C. §907, or any successor thereto, as amended from time to time.

SECTION 18: *Entire Franchise; Amendment.* This ordinance sets forth the entirety of the franchise granted hereby, and no other understandings or agreements exist with regard to such matters. This ordinance supersedes all prior franchises granted to Grantee or its predecessors. This franchise may be amended only by an ordinance duly adopted by the City Council and accepted by Grantee.

SECTION 19: *Acceptance.* In order to accept this franchise, Grantee shall file its written acceptance within sixty (60) days after its passage and approval, and if it fails to do so this franchise shall automatically expire without necessity for any further action by the City Council.

PASSED AND APPROVED on this the _____ day of _____, 2017.

ATTEST:

Dianna Barker, City Secretary

Jose L. Segarra, Mayor

Kathryn H. Davis, City Attorney

Acceptance of Franchise

To the Honorable Mayor and City Council of the City of Killeen, Texas:

Bartlett Electric Cooperative, Inc., acting by and through the undersigned authorized officer, hereby accepts Ordinance No. _____ granting an electric light, heat and power franchise.

Bartlett Electric Cooperative, Inc.

By: _____

Bryan Lightfoot,
General Manager / CEO

Date: _____

ATTEST:

Secretary



City of Killeen

Legislation Details

File #: OR-17-001 **Version:** 1 **Name:** Calling for May 6, 2017 Election
Type: Ordinance **Status:** Ordinances
File created: 12/8/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: Consider an ordinance ordering a general election to be held on May 6, 2017 to elect a District Council Member for each District.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ordering a May 6, 2017 General Election

ORIGINATING DEPARTMENT

City Attorney/City Secretary

BACKGROUND INFORMATION

The Texas Election Code, Chapter 3, provides for the ordering of an election not later than the 78th day before the election date. In addition to any other elements required, each order must state the date of the election and the offices or measures to be voted on at the election.

The Texas Election Code, Chapter 4, also provides for giving notice of the election. The notice shall state the date and nature of the election, list the polling places, times the polling places will be open, and other information as required by law.

DISCUSSION/CONCLUSION

The attached ordinance has been prepared calling the election for the purpose of electing a Council Member for each of the 4 Districts and designating the polling places and times. Extended hours of early voting will be conducted on April 24th and May 2nd. In addition, should KISD have an election, early voting will also occur at the KISD Administration Building.

FISCAL IMPACT

The estimated cost to conduct this election is \$58,000.00. This has been budgeted in Account No. 010-1010-416.50-45, Election Expense. There will be cost-saving if KISD participates in a joint election with the city.

RECOMMENDATION

Staff recommends adoption of the proposed ordinance.

ORDINANCE _____

AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR EACH OF THE 4 DISTRICTS; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THEIR NAMES PRINTED ON THE OFFICIAL BALLOT; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.

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

SECTION 1. That, pursuant to the laws of the State of Texas and the Charter of the City of Killeen, it is ordered by the City Council that a general election be held in the City of Killeen, Texas, on May 6, 2017, for the purpose of electing from the City of Killeen a Council Member for District 1, 2, 3 and 4. Any reference in this ordinance hereinafter to “Election Day” shall mean May 6, 2017.

SECTION 2. The manner of holding the election and all questions pertaining to such election shall be governed by the V.T.C.A. Election Code, and the returns shall be made and canvassed and the results declared as in other legal elections of the City of Killeen.

SECTION 3. Any eligible and qualified person may have his or her name printed upon the official ballot as an independent candidate for the office of councilmember by filing a written application with the City Secretary beginning January 18th through 5:00 p.m. February 17, 2017. Any person wishing to file a declaration of write-in candidacy must do so not later than 5:00 p.m. on February 21, 2017.

SECTION 4. The names of all those who have filed their written applications to have their names printed on the official ballot as candidates shall be posted by the City Secretary in a conspicuous place at her office for the inspection of the public for at least ten days before she orders the ballot to be printed. The City Secretary shall preserve in her office for a period established by the Texas State Library and Archives Commission and adopted by the City all applications, statements, notice of objections, and other related papers.

SECTION 5. Any person eligible for the office of councilmember or other office who has filed his or her written application in accordance with the provisions of this ordinance shall have his or her name printed on the official ballot. Any such person may cause his or her name to be withdrawn at any time prior to 5:00 p.m. on February 24, 2017, by filing in writing with the City Secretary, a request to that effect over his signature, duly attested to by a Notary Public. No name so withdrawn shall be printed on the ballots. Not later than twenty days before the election, the City Secretary shall have the official ballots printed.

SECTION 6. Each qualified voter who desires to cast an early vote or who expects to be absent on the date of the election shall be entitled to an official ballot and to cast such ballot in accordance with the applicable provisions of Title 7, V.T.C.A., Election Code, beginning April 24, 2017, and continuing through May 2, 2017. The City Secretary will be the early voting clerk, who may appoint by written order one or more temporary deputies to serve as deputy early voting clerks in accordance with the applicable law. Early voting will be held in the first floor lobby of the Killeen City Hall, 101 North College (mailing address: PO Box 1329, Killeen, TX 76540, Attention: Early Voting Clerk), at the Killeen Community Center, 2201 E. Veterans Memorial Boulevard, Killeen, and at the Killeen Lions Park Senior Center, 1700-B E. Stan Schlueter Loop between the hours of 8:00 a.m. and 5:00 p.m. on each day of early voting except Saturdays, Sundays, and official State or City holidays. Provided, however, that on the first and last day of early voting, the hours shall be 7:00 a.m. to 7:00 p.m. For the 2017 election those dates shall be April 24th and May 2nd. The City Hall location for early voting is also where ballot applications and ballots voted by mail may be sent. Should the Killeen Independent School District also have an election on such date, branch early voting shall also be at the KISD School Administration Office, 200 North W.S. Young Drive, Killeen, between the hours of 8:00 a.m. and 5:00 p.m. on each day of early voting except Saturdays, Sundays, and official State holidays.

SECTION 7. The election shall be held in the hereafter-designated polling places between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election.

PRECINCT # 106
Fire Station #1
3800 Westcliff Road

PRECINCT #109
St. Joseph's Catholic Church
2903 East Rancier

PRECINCT #201/204
Fire Station #3
700 Twin Creek Drive

PRECINCT #205
Jackson Professional Learning Center
902 Rev. R. A. Abercrombie Drive

PRECINCT #206/402/409
Killeen Senior Center at Lions Club Park
1700 E. Stan Schlueter Loop

PRECINCT #207
Copper Mountain Library
3000 South W. S. Young Drive

PRECINCT #203/208/210
Cedar Valley Elementary School
4801 Chantz Drive

PRECINCT #404
Fire Station #7
3701 Watercrest Road

PRECINCT #405
Robert M. Shoemaker High School
3302 Clear Creek Road

PRECINCT #406
Central Fire Station
201 S. 28th Street

PRECINCT #401/412/413
Fowler Elementary School
4910 Katy Creek Lane

PRECINCT #408
Fire Station #5
905 West Jasper Road

PRECINCT #410
Fire Department Support Facility
114 W. Avenue D

SECTION 8. The City Council shall appoint presiding election judges and alternate presiding judges for the election at the precinct polling places and as the Early Voting Ballot Board to process the early voting results, provided that if neither the presiding judge nor the alternate presiding judge can serve and their inability to serve is discovered so late that it is impracticable to fill the vacancy in the normal manner, the Mayor shall have the authority and is hereby directed to appoint a replacement judge to preside at the election. The presiding election judge for each precinct shall appoint no more than two (2) election clerks in addition to the alternate presiding judge named herein to assist the judge in the conduct of the election. The presiding election judges, alternate presiding judges, and clerks shall be paid \$10.00 per hour for serving in such capacities, and the election judges and/or alternate judges shall be paid an additional \$25.00 for delivering the returns of such election to the City Secretary for proper tabulation. No presiding election judge, alternate presiding judge, or clerk shall be compensated for a period in excess of the time extending from one hour before the polls open until two hours after the polls close. The Early Voting Ballot Board shall be paid a set rate of \$50.00 for serving in such capacity that will include proper tabulation. Provided, however, that should the Early Voting Ballot Board need to reconvene to tabulate provisional ballots, they shall be paid an additional \$10.00 per hour for such services.

SECTION 9. The following positions shall be set forth on electronic ballots hereinafter provided, in substantially the following form:

**CITY OF KILLEEN GENERAL ELECTION
MAY 6, 2017
OFFICIAL BALLOT**

FOR COUNCILMEMBER, DISTRICT 1

Vote for One

- _____
- _____
- _____

FOR COUNCILMEMBER, DISTRICT 2

Vote for One

- _____
- _____
- _____
- _____

FOR COUNCILMEMBER, DISTRICT 3

Vote for One

- _____
- _____
- _____

FOR COUNCILMEMBER, DISTRICT 4

Vote for One

- _____
- _____
- _____

SECTION 10. Optical scan ballots shall be used for early voting by mail, curbside voting, and Election Day and the Model 100 Optical Scan Voting System and AutoMARK Voter Assist Terminal shall be used for early voting by personal appearance and on Election Day.

SECTION 11. All resident qualified electors of the City shall be permitted to vote at the election.

SECTION 12. The election materials enumerated in Sec. 272.001, et seq., V.T.C.A. Election Code, shall be printed and furnished in both English and Spanish for use at each polling place on Election Day and for early voting.

SECTION 13. Notice of election shall be given by posting substantial copies of the Notice of Election as prescribed by the Secretary of State's office in both English and Spanish at the Killeen City Hall, the official city website and at three (3) other public places in the City at least thirty (30) days prior to the date set for the election; and substantial copies of the Notice of Election in both English and Spanish shall be one time in a newspaper of general circulation in the City, the date of publication to be not less than fourteen (14) days prior to the date set for the election.

SECTION 14. Returns of election shall be made by the election officers to the City Council at a meeting following the election; the returns will be canvassed and the results of the election declared as prescribed by the Election Code, V.T.C.A., of the State of Texas and the City Charter.

SECTION 15. It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered and acted upon at the meeting, including this Ordinance, was given, all as required by the applicable provisions of the Texas Government Code, Sec. 551.001, *et seq.*

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 10th day of January 2017, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Sec. 551.001, *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-17-002 **Version:** 1 **Name:** Number of Authorized Civil Service Positions
Type: Ordinance **Status:** Ordinances
File created: 12/15/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: Consider an ordinance to amend the number of authorized Fire Rescue Officer and Fire Captain civil service positions for the Killeen Fire Department.
Sponsors: Human Resources Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ordinance To Amend the Number of Authorized Fire Rescue Officer and Fire Captain Civil Service Positions for the Killeen Fire Department

ORIGINATING DEPARTMENT

Human Resources

BACKGROUND INFORMATION

The Texas Local Government Code (TLGC), Chapter 143, became effective September, 1987; this codification represents an effort to present in a coherent and practical format the laws and civil service procedures for Texas police and fire departments. The civil service system was established in the City of Killeen in an election duly called and lawfully conducted on August 13, 1977. The rules and regulations of TLGC Chapter 143 apply to all classified police and fire officers.

One of the provisions of TLGC, Chapter 143, is that the municipality's governing body establishes the civil service classifications by ordinance, and further prescribes the number of positions in each classification [TLGC 143.021(a)].

DISCUSSION/CONCLUSION

On October 6, 2015, Council approved the Department of Homeland Security SAFER (Staffing for Adequate Fire and Emergency Response) Grant for the City of Killeen's 2015 application for salary and benefits for 37 entry-level, full-time Fire and Rescue Officers. The SAFER grant hiring process was completed in 2016 with the plan to reclassify seven (7) of these authorizations to Fire Captains when Fire Station 9 opened. Fire Station 9 is scheduled to open January 2017, and the staffing requirement of Captains will be three (3) EMS Captains, three (3) Station Captains and one (1) Fire Prevention Captain, a total of seven (7).

Human Resources is requesting to reclassify seven (7) current Fire and Rescue Officer authorizations to seven (7) Fire Captain authorizations. This change will reduce the total Fire and Rescue Officer authorizations to 183 Fire and Rescue Officers authorizations, and will add seven (7) Fire Captain authorizations for a total of thirty-six (36) Fire Captain authorizations.

The seven (7) Fire Captain authorizations are funded in the 2017 budget.

The Human Resources Department is requesting changes to nature, not the total number, of the current fire staffing, by eliminating seven (7) Fire and Rescue Officers and adding seven (7) Fire Captains.

Current Strength of Force for KFD		Revised Strength of Force for KFD	
Fire and Rescue Officer	190	Fire and Rescue Officer	183
Fire Captain	29	Fire Captain	36
Battalion Chief	6	Battalion Chief	6
Deputy Chief of Fire	4	Deputy Chief of Fire	4

FISCAL IMPACT

The estimated salary and benefit cost to reclassify seven (7) Fire and Rescue Officers to seven (7) Fire Captains is \$65,365.49. Funding is available in the Fire Department's FY 2017 budget in account numbers 010-7070-442-40-05, 010-7070-442-45-10, 010-7070-442-45-15 and 010-7070-442-45-20.

RECOMMENDATION

Staff recommends the adoption of the proposed ordinance changing the nature, not the total number, of civil service positions, eliminating seven (7) entry-level, full-time Fire and Rescue Officer positions and adding seven (7) Fire Captain positions.

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, TO AUTHORIZE THE NUMBER OF FIRE RESCUE OFFICER AND FIRE CAPTAIN CIVIL SERVICE POSITION IN THE KILLEEN FIRE DEPARTMENT TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

SECTION I. That the City Council authorizes the following civil service classifications of employees in the Fire Department of the city of Killeen shall be amended for the purpose of covering such employees under the provisions of Texas Local Government Code 143.021(a) as required by statute. These classifications and no others shall exist with the number shown indicating the number of positions in each classification:

<u>CLASSIFICATION</u>	<u>NUMBER IN EACH CLASSIFICATION</u>			
	<u>FY 16-17 (amended December, 2016)</u>		<u>FY 16-17 (amended January, 2017)</u>	
	<u>(Base Authorization)</u>	<u>(Over hire)</u>	<u>(Base Authorization)</u>	<u>(Over hire)</u>
Fire and Rescue Officer	190	7	183	7
Fire Captain	29	0	36	0
Battalion Chief	6	0	6	0
Deputy Fire Chief	4	0	4	0

That this change to amend the authorized number of Fire and Rescue Officers reflects an elimination to the number of the base authorizations of Fire and Rescue Officer positions by seven (7) authorized positions, and the addition to the authorized number of Fire Captain positions by seven (7) authorized positions.

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

SECTION III. That should any part of this ordinance be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION IV. That this ordinance shall be effective January 10, 2017, and 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 _____ 10th _____ day of January, 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



City of Killeen

Legislation Details

File #: PH-16-048B **Version:** 1 **Name:** Budget Amendment - Drainage Utility
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/16/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: HOLD a public hearing and consider an ordinance amending the FY2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase an expense account for an emergency environmental response.
Sponsors: Environmental Services, Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		
12/13/2016	1	City Council		
12/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Fiscal Year 2017 Drainage Utility Fund
Budget Amendment

ORIGINATING DEPARTMENT

Public Works - Environmental Services

BACKGROUND INFORMATION

The City currently holds a Municipal Separate Storm Sewer System (MS4) permit with the Texas Commission on Environmental Quality (TCEQ). As part of that permit, the City is responsible for the water quality in our watercourses. That TCEQ permit and current city ordinances require the City to respond to, contain, and remediate any known point discharge not comprised entirely of storm water.

On the morning of Friday, August 12, 2016, the City responded to a gas fire at 4415 E. Veterans Memorial Boulevard. Due to the nature of the contamination, the City utilized CG Environmental - Cleaning Guys, LLC. to respond to the gas fire. Testing, final disposal and remediation were not completed until October 21, 2016.

DISCUSSION/CONCLUSION

Staff coordinated emergency environmental response compliance with various regulatory agencies. The regulatory agencies included Environmental Protection Agency (EPA), U.S. Department of Transportation, TCEQ, and Texas Parks & Wildlife (TPW). The Fiscal Year 2016-2017 adopted budget (Ordinance #16-044) did not include funding for this magnitude of emergency environmental response.

FISCAL IMPACT

The Fiscal Year 2017 budget will be revised to reflect the increase of \$214,199.02 in expense account 575-3476-432.47-99 (Professional Services - Special Services account). Funding is available in the 575 Drainage Utility Fund's fund balance. The adopted FY17 expenditures in the Drainage Utility are \$4,236,547.00. The impact to the Drainage Utility Fund's reserve account will be a reduction from a projected FY17 ending fund balance of \$4,102,671.00 to \$3,888,471.98.

RECOMMENDATION

City staff recommends that the City Council approve the attached ordinance authorizing the additional expenditure of \$214,199.02 for the August 12, 2016, emergency environmental response.

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 BY INCREASING A DRAINAGE UTILITY FUND EXPENSE ACCOUNT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS a budget for the City of Killeen Drainage Utility Fund Environmental Services for the Fiscal Year October 1, 2016, to September 30, 2017, has been adopted by City Council in accordance with the City Charter; and

WHEREAS the City of Killeen is required to respond to, contain and remediate any known point discharge not comprised entirely of storm water; and

WHEREAS the City of Killeen Drainage Utility Fund Environmental Services budget will be higher than expected; and

WHEREAS the need for the additional funds in the Drainage Utility Fund Environmental Services budget requires a budget amendment;

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

SECTION I. That Ordinance #16-044 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, be amended as to the portion of said budget as follows:

Drainage Utility Fund

Account Number	Account Name	Original Budget	Budget Increase	Amended Budget
575-3476-432.47-99	Professional Services – Special Services	\$10,000.00	\$214,199.02	\$224,199.02

SECTION II. That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

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

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

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

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

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

Kathryn H. Davis, CITY ATTORNEY



City of Killeen

Legislation Details

File #: PH-17-001 **Version:** 1 **Name:** Zoning 16-23
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 12/8/2016 **In control:** City Council
On agenda: 1/10/2017 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by John and Kimberly Anne Jones-Greenwalt (Case# Z16-23) to rezone approximately three (3) acres out of the J.S. Wilder Survey, Abstract No. 780, from "R-1" (Single-Family Residential District) to "A" (Agricultural District). The property is located at 2707 Polk Street, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Attachment to CCMO](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location map](#)
[Buffer map](#)
[Considerations](#)

Date	Ver.	Action By	Action	Result
1/3/2017	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z16-23 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "A" (AGRICULTURAL DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

John and Kimberly Anne Jones-Greenwalt submit this request to rezone approximately three (3) acres out of the J. S. Wilder Survey, Abstract No. 780, from "R-1" (Single-Family Residential District) to "A" (Agricultural District). The property is located at 2707 Polk Street, Killeen, Texas.

A building or premises in a district "A" (Agricultural District) shall be used only for the following purposes:

- (1) Stables, commercial or private
- (2) Agricultural uses to include animal production, crop production, horticulture, and support housing
- (3) Home occupations as permitted in district "R-1" (Single-Family Residential District)
- (4) Agricultural single-family residential in accordance with division 3 of this article
- (5) Accessory buildings customarily incident to the uses in this section

Property Specifics

Applicant/Property Owner: John and Kimberly Anne Jones-Greenwalt

Property Location: 2707 Polk Street, Killeen, Texas

Legal Description: J.S. Wilder Survey, Abstract No. 780

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.
- The property has not been platted.

Character of the Area

Existing Land Use(s) on the Property: This property contains an existing single family residence. The surrounding community is characterized by large lot single-family housing and large homestead tracts.

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

Figure 1. Location 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: The extension of water and sewer is not required for this proposed use.

Transportation:

Existing conditions: Polk Street is characterized as a local street on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no planned transportation improvements as part of this zoning request.

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

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This site ranges in elevation from 834' to 842' and does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

Land Use Plan: The land is designated as 'Estate' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan allows the following development types within the 'Estate' designation: detached residential dwellings, public/institutional uses, and parks and public spaces.

Consistency: The applicant's request is consistent with the FLUM.

Public Notification

The staff notified nine surrounding property owners regarding this request. Staff has received no protests.

Recommendation

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

Figure 1. Location Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 19, 2016**

**CASE #Z16-23
R-1 to "A"**

HOLD a public hearing and consider a request submitted by John Greenwalt and Kimberly Anne Jones-Greenwalt to rezone approximately three (3) acres, out of the J. S. Wilder Survey, Abstract No. 780, from R-1 (Single-family Residential District) to "A" (Agricultural District). The property is locally known as 2707 Polk Street, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated this request is submitted by John and Kimberly Anne Jones-Greenwalt submit this request to rezone approximately three (3) acres out of the J. S. Wilder Survey, Abstract No. 780, from "R-1" (Single-Family Residential District) to "A" (Agricultural District). The property is located at 2707 Polk Street, Killeen, Texas. The land is designated as 'Estate' on the Future Land Use Map (FLUM) of the Comprehensive Plan and the applicant's request is consistent with the Future Land Use (FLUM). Staff recommends approval of the applicant's zoning request.

The staff notified nine surrounding property owners within a 200' notification boundary regarding this request and no responses have been received.

Mr. John Greenwalt, 2707 Polk Street, 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.

Vice Chair Dorroh motioned to recommend approval of the request. Commissioner Latham seconded the motion. The motion passed unanimously.

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 “A” (AGRICULTURAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John and Kimberly Anne Jones- Greenwalt 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 approximately three (3) acres, being part of the J. S. Wilder Survey, Abstract No. 780, which is more specifically known as 2707 Polk Street, Killeen, Texas, from “R-1” (Single-Family Residential District) to “A” (Agricultural District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 19th day of December 2016, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 10th day of January 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 a majority that the request should be approved;

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

Section I. That the zoning classification of the following described tract be changed from “R-1” (Single-family Residential District) to “A” (Agricultural District) for approximately three (3) acres area, being part of the J. S. Wilder Survey, Abstract No. 780, Killeen, Texas. The property is locally known as 2707 Polk Street, Killeen, Texas.

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 10th day of January 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 #16-23

Ord. #



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

CASE #: 216-23

City of Killeen Zoning Change Application

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

Name(s) of Property Owner: John Greenawalt & Kimberly Anne Jones-Greenawalt

Current Address: 2707 Polk St

City: Killeen State: TX Zip: 76543

Home Phone: () _____ Business Phone: () _____ Cell Phone: 901-569-5291

Email: juansuerte@hotmail.com

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

Address: _____

City: _____ State: _____ Zip: _____

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

Email: _____

Address/Location of property to be rezoned: 2707 Polk St.

Legal Description: _____

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: Residential

Proposed Zoning: Ag Proposed Use: _____

Conditional Use Permit for: _____

This property was conveyed to owner by deed dated _____ and recorded in Volume _____, Page _____, Instrument Number _____ 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: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ - _____

Home Phone: (____) _____ Business Phone: (____) _____ Email: _____

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

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

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

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of 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 John A. Greenawalt Date 11-14-16

Signature of Property Owner John A. Greenawalt Title _____

Printed/Typed Name of Property Owner Kimberly A. Jones Greenawalt Date 11-14-16

Signature of Property Owner Kimberly A. Jones Greenawalt Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-23

ZONING FROM:

R-1 To A

APPLICANT:

JOHN GREENAWALT &
KIMBERLY ANNE
JONES-GREENAWALT

PROPERTY OWNER:

JOHN GREENAWALT &
KIMBERLY ANNE
JONES-GREENAWALT

LEGAL DESCRIPTION:

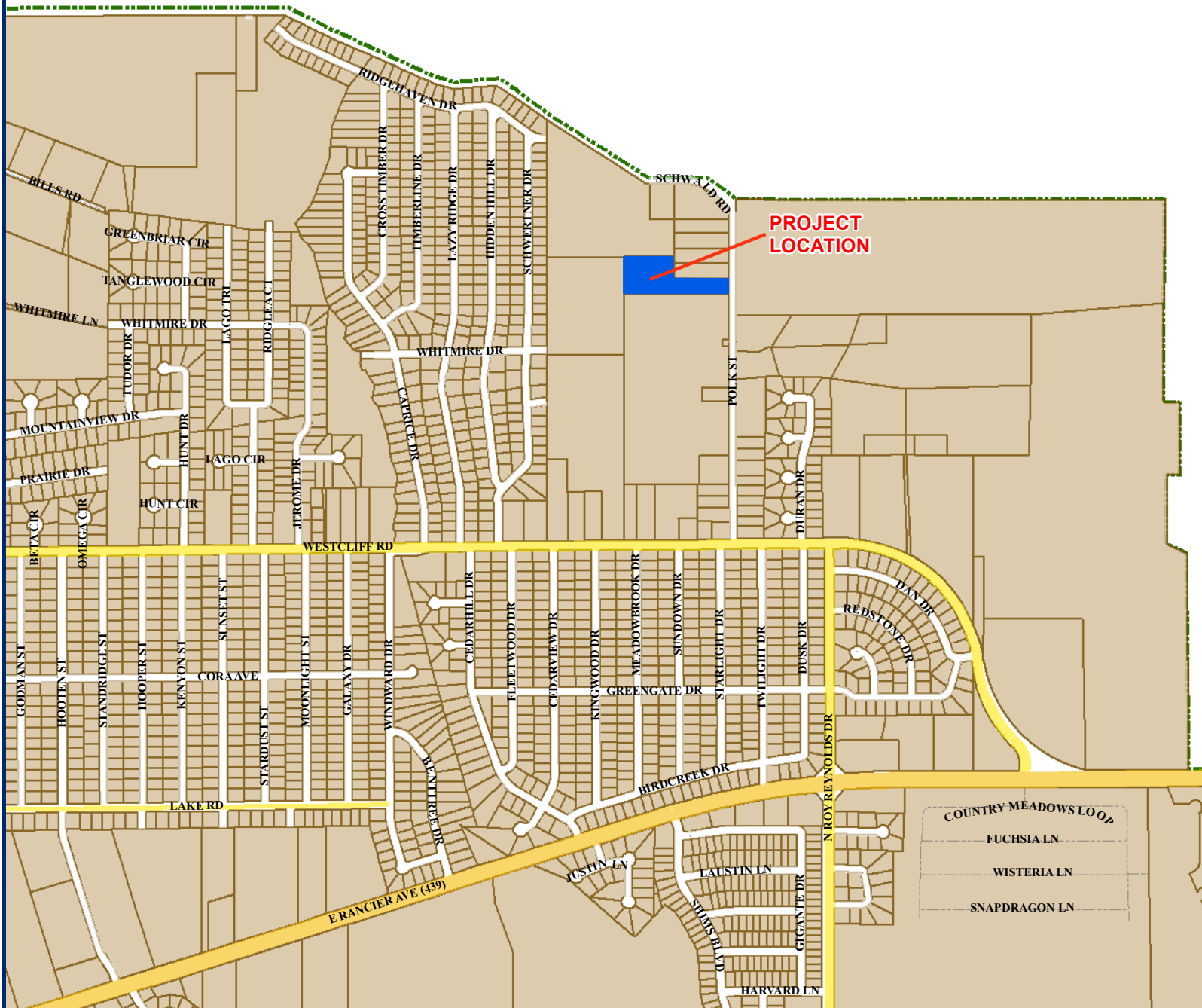
A0913BC J S WILDER,
780-18, ACRES 3.149

Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 11/23/2016





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-23

ZONING FROM:

R-1 To A

APPLICANT:

JOHN GREENAWALT &
KIMBERLY ANNE
JONES-GREENAWALT







PROPERTY OWNER:

JOHN GREENAWALT &
KIMBERLY ANNE
JONES-GREENAWALT

LEGAL DESCRIPTION:

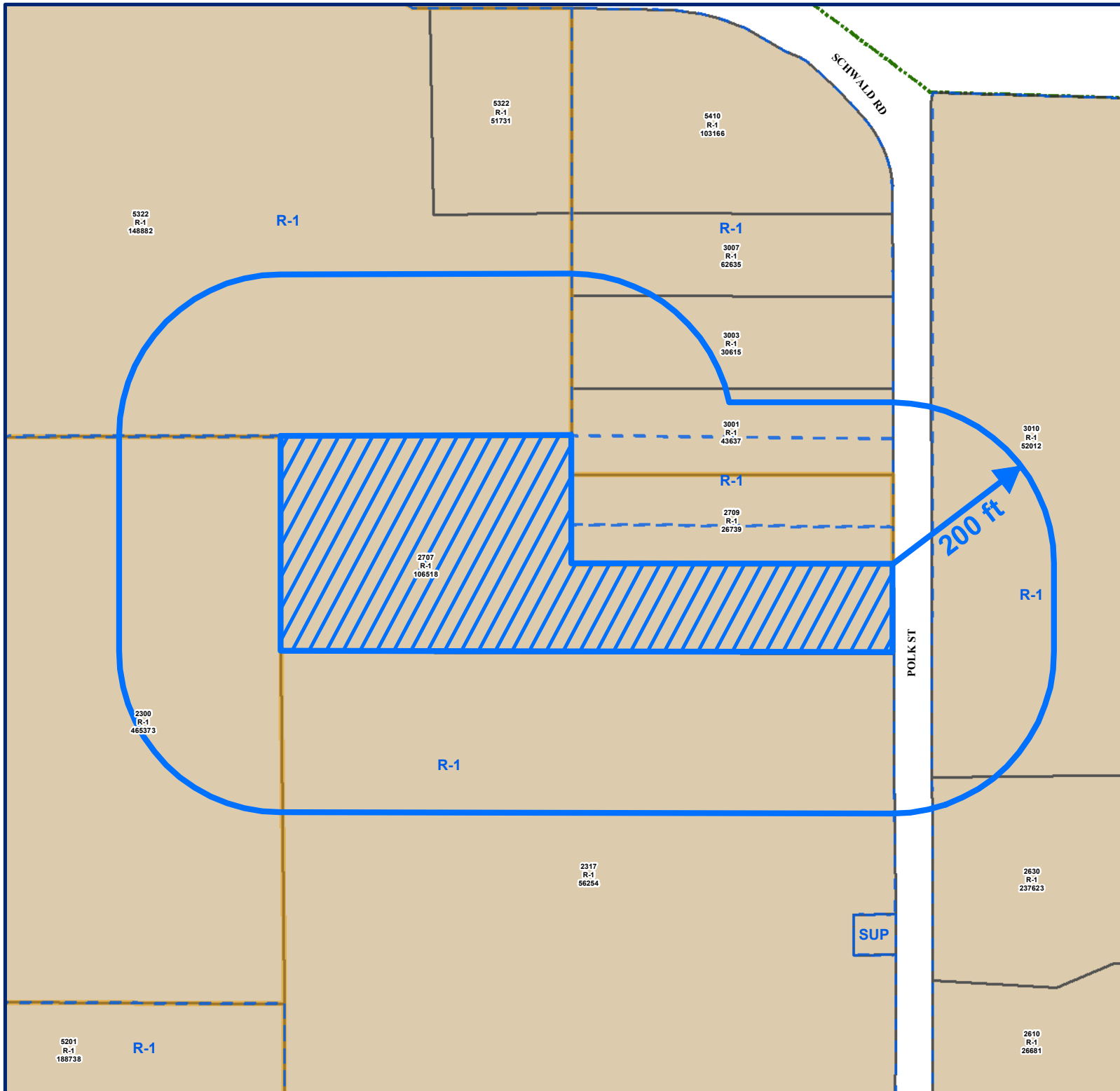
A0913BC J S WILDER,
780-18, ACRES 3.149

LEGEND

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



Date: 11/23/2016



CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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